

life in them to be as active as that soul w
are nay they do preserve as in a vial
extraction of that living Intellect that bred

Prof RAMESHWAR SH
Principal & Controller

The Price of Freedom

In this compelling and provocative book Walter Lippmann, one of America's leading political thinkers, urgently warns Western man that his liberty is dangerously threatened. In bold, highly readable fashion, he re-examines traditional democratic ideals—freedom of speech, free public education, the enjoyment of private property and other issues of vital concern to freedom loving peoples all over the world.

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TO HELEN

They are ill discoverers
that think there is no land,
when they see nothing but sea.
BACON *Advancement of*
Lea rung II VII, 5

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Washington DC
1954

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BOOK ONE

The Decline of the West

CHAPTER ONE

The Obscure Revolution

1 *My Reason for Writing This Book*

DURING the fateful summer of 1938 I began writing a book in an effort to come to terms in my own mind and heart with the mounting disorder in our Western society. I was living in Paris at the time and I had learned that the decision had been taken which was soon to lead Mr Chamberlain and Monsieur Daladier to Munich. Little hope remained that another world war could be averted except by subject surrender and yet there was no sure prospect that France and Great Britain would be able to withstand the onslaught that was coming. They were unprepared, their people were divided and demoralized. The Americans were far away, were determined to be neutral and were unarmed. I was filled with foreboding that the nations of the Atlantic Community would not prove equal to the challenge and that, if they failed, we should lose our great traditions of civility, the liberties Western man had won for himself after centuries of struggle and which were now threatened by the rising tide of barbarity.

I began writing impelled by the need to make more intelligible to myself the alarming failure of the Western liberal democracies to cope with the realities of this century. I had done a draft of the book when the fall of France made it evident that we too must soon be engaged

Sir Ernest Barker *The Decline of the West* (1943) The phrase
is from *Conquest of the World* by P. M. F. (1943)

BOOK ONE

The Decline of the West

CHAPTER ONE

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1911 The Revolutionary Year

IN DECEMBER 1941 I put the manuscript away knowing that so much was going to happen to the world and to me that if ever I went back to the book, it would be to start all over again. When I did come back to it after the war the foreboding which had inspired it was in a terrible measure realized. Something had gone very wrong in the liberal democracies. They had to be sure defeated their enemies. They had avoided defeat and subjection. But they were unable to make peace and to restore order. For the second time in a generation they had failed to prevent a ruinous war they had been unwilling to prepare themselves to wage the war and when at long last and at exorbitant cost they had managed to defeat their enemies they had been unable to make peace out of their victories. They were entangled in a vicious cycle of wars that led to ever bigger and wider wars. Could it be denied that they were sick with some kind of incapacity to cope with reality to govern their affairs to defend their vital interests and it might be to insure their survival as free and democratic states?

There was no mistaking the decline of the West. Thirty years after Wilson had proclaimed a world at peace under democratic governments the North Atlantic democracies were preoccupied with the defense of western Europe and the fringes of the Eurasian continent. In less than half a century it had come to that. In 1900 men everywhere on earth had acknowledged, even when they resented, the primacy of the Western nations. They were the recognized leaders in the progress of mankind and it was taken as axiomatic that the question was when, and not whether the less advanced people would have learned how to use the Western technology to hold free elections to respect the Bill of Rights and to live by its political philosophy. Until 1917 the model for a new government anywhere in the world even in Russia was liberal democracy in the British the French or the American style.

But by the end of 1920 things had taken a sharp turn. Lord Bryce was then finishing his *Modern Democracies* and though he still wrote in the prewar manner that democracy was spreading and that the number of democracies

and moreover engaged alone if the Battle of Britain was lost

But at this time the American people were as unprepared in their minds as in their military establishment. Could the democracies be rallied could they be collected and nerved for the ordeal so that they would be equal to this mortal challenge? They had the superior assets They had the numbers the resources the influence But did they have the insight, the discipline to persevere and the resolution to go through with it? Though they had the means did they also have the will and did they still know how? A second world war was making up out of the ruins and the failures of the first and there was nothing to show that the Western democratic governments were in control of their affairs and capable of making the necessary decisions They were reacting to events and they were not governing them Could they avoid defeat and conquest without an exhaustion which would rend the fabric of Western society without enormities of suffering which would alienate the masses of the people and without resorting to measures of violence which might become inextinguishable? They were so very late and they were becoming engaged in they knew not what They had refused to take in what they saw they had refused to believe what they heard they had wished and they had waited hoping against hope

It did not come easily to one who like myself had known the soft air of the world before the wars to recognize and acknowledge the sickness of the Western liberal democracies Yet as we were being drawn unready and unarmed into the second of the great wars there was no denying it seemed to me that there is a deep disorder in our society which comes not from the machinations of our enemies and from the adversities of the human condition but from within ourselves I was one of a large company who felt that way Never doubting that the utmost resistance was imperative and that defeat would be irreparable and intolerable they were a company who knew in their hearts that by total war our world could not be made safe for democracy nor for the four freedoms We were I had come to see not wounded but sick and because we were failing to bring order and peace to the world we were beset by those who believed they have been chosen to succeed us

3 *Internal Revolution in the Democracies*

A vigorous critic of democracy Sir Henry Maine writing in 1884 just as England was about to adopt general manhood suffrage observed that there could be no grosser mistake than the impression that "Democracy differs from Monarchy in essence. For 'the tests of success in the performance of the necessary and natural duties of a government are precisely the same in both cases. These natural and necessary duties have to do with the defense and advancement abroad of the vital interests of the state and with its order, security and solvency at home. Invariably these duties call for hard decisions. They are hard because the governors of the state must tax, conscript, command, prohibit; they must assert a public interest against private inclination and against what is easy and popular. If they are to do their duty they must often swim against the tides of private feeling."

The hardness of governing was little realized in the early 1900's. For more than half a century while democracy was making its historic advance there had been a remarkable interlude during which the governments rarely had to make hard decisions. Since Waterloo there had been no world war and after the American Civil War only a few short and localized wars. It was a time of expansion, development, liberation: there were new continents to be colonized and there was a new industrial system to be developed. It seemed as though mankind had outlived the Limests of history. The governments—which were increasingly democratic, liberal and humane—were spared the necessity of dealing with the hard issues of war and peace, of security and solvency, of constitutional order and revolution. They could be concerned with improvements with the more and more and the better and better. Life was secure, liberty was assured and the way was open to the pursuit of private happiness.

In this long peace the liberals became habituated to the notion that in a free and progressive society it is a good thing that the government should be weak. For several generations the West had flourished under governments

war which brought to an end the Age of Progress had says Nef "none of the limiting features of the warfare which had been characteristic of Newton's age. Europe could now afford enormous armies, could replenish and supply them again while the fighting proceeded. More money was needed to kill than ever before, but the money required turned out to be small in comparison with the money that could be raised (with the help of refined advances in the use and manipulation of credit) and in relation to the quantity of munitions which money and credit could buy. All this meant that when war broke out again the advanced nations had become as Nickerson says "capable of sacrifices so irrationally great that the bleeding victor would faint upon the corpse of his victim."

The strain of the war worked up a menacing popular pressure upon the weak governments. We can I think point to 1917 as the year when the pressure became so strong that the institutional framework of the established governments broke under it.

The strain became unbearable. 1917 was the year of the two Russian revolutions. It was the year of the American involvement which brought with it the declaration of the Wilsonian principles. For Italy it was the year of Caporetto. For Austria-Hungary it was the beginning of the end under the successor of Francis Joseph. For Germany it was the year of the July crisis and of the need of the Prussian monarchy to listen to the Reichstag and its demand for a negotiated peace. For France it was the year of the mutinies and for Britain the year of mortal peril from the submarine. In eastern and central Europe tortured and infuriated masses brought down the historic states and the institutions of the old regime. In western Europe and in North America the breakthrough took the form—if I may use the term—of a deep and pervasive infiltration. Behind the façade which was little changed the old structure of executive government with the consent of a representative assembly was dismantled—not everywhere and

"In the military massacres of 1914-1915-1916 the French had lost permanently over 900,000 men, the British about half that number and the Germans a little over 800,000. The Russians had mobilized 1,000,000 men and of them at least four million are presumed to have died, another 2,500,000 had become prisoners, were missing and an additional million were seriously wounded. H. H. H. Nickerson, *The Armed Host* (1940) pp. 292-294.

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not do to think poorly of the politicians and to talk with bated breath about the voters. No more than the kings before them should the people be hedged with divinity. Like all princes and rulers like all sovereigns they are ill served by flattery and adulation. And they are betrayed by the servile hypocrisy which tells them that what is true and what is false what is right and what is wrong can be determined by their votes.

If I am right in what I have been saying, there has developed in this century a functional derangement of the relationship between the mass of the people and the government. The people have acquired power which they are incapable of exercising and the governments they elect have lost powers which they must recover if they are to govern. What then are the true boundaries of the people's power? The answer cannot be simple. But for a rough beginning let us say that the people are able to give and to withhold their consent to being governed—their consent to what the government asks of them proposes to them, and has done in the conduct of their affairs. They can elect the government. They can remove it. They can approve or disapprove its performance. But they cannot administer the government. They cannot themselves perform. They cannot normally initiate and propose the necessary legislation. A mass cannot govern. The people as Jefferson said are not qualified to exercise themselves the Executive Department but they are qualified to name the person who shall exercise it. They are not qualified to legislate with us therefore they only choose the legislators.

Where mass opinion dominates the government, there is a morbid derangement of the true functions of power. The derangement brings about the enfeeblement, verging on paralysis of the capacity to govern. This breakdown in the constitutional order is the cause of the precipitate and catastrophic decline of Western society. It may if it cannot be arrested and reversed bring about the fall of the West.

The propensity to this derangement and the vulnerability of our society to it have a long and complex history. Yet the more I have brooded upon the events which I have lived through myself, the more astounding and

CHAPTER TWO

The Malady of Democratic States

1. Public Opinion in War and Peace

Writing in 1913 just before the outbreak of the war and having in mind Queen Victoria and King Edward the VII Sir Harry Johnston thus described how foreign affairs were conducted in the Nineteenth Century

In those days, a country's relations with its neighbors or with distant lands were dealt with almost exclusively by the head of the State—Emperor, King, or President—acting with the more or less dependent Minister of State who was no representative of the masses but the employee of the Monarch. Events were prepared and sprung on a subservient, confident, or a stupid people. The public Press criticized, was often applauded, but had at most to deal with a *fait accompli* and make the best of it. Occasionally in our own land a statesman, out of office and discontented, went round the great provincial towns agitating against the trend of British foreign policy—perhaps wisely perhaps unfairly we did not yet know—and scored a slight success. But once in office his Cabinet filled in by degrees with the views of the Sovereign and the permanent officials (after the fates of the last century these public servants were a factor of ever-growing importance) and, as before the foreign policy of the Empire was shaped by a small camarilla consisting of the Sovereign, two Cabinet Ministers, the permanent Under Secretary of State for Foreign Affairs, and perhaps one representative of *la plus haute finance*.

Without taking it too literally this is a fair description of how foreign affairs were conducted before the First World War. There were exceptions. The Aberdeen gov-

Sir Harry Johnston, "Common Sense in Foreign Policy" pp. 12 cited in Howard Lee M. Baum & Lindsay Rogers, *The New Conditions of Europe* (1922) p. 139

and disbanded. The Allies were called upon to decide whether they would dictate a punitive peace or would negotiate a peace of reconciliation.

In the Thirties the British and the French governments had to decide whether to rearm and to take concerted measures to contain Hitler and Mussolini or whether to remain unarmed and to appease them. The United States had to decide whether to arm in order to contain the Japanese or to negotiate with them at the expense of China.

During the Second World War the British and the American governments had again to make the choice between total victory with unconditional surrender and negotiated settlements whose end was reconciliation.

These were momentous issues like choosing at the fork of the road a way from which there is no turning back whether to arm or not to arm—whether as a conflict blows up to intervene or to withdraw—whether in war to fight for the unconditional surrender of the adversary or for his reconciliation. The issues are so momentous that public feeling quickly becomes incandescent to them. But they can be answered with the only words that a great mass *qua* mass can speak—with a Yes or a No.

Experience since 1917 indicates that in matters of war and peace the popular answer in the democracies is likely to be No. For everything connected with war has become odious, painful, disagreeable and exhausting to very nearly everyone. The rule to which there are few exceptions—the acceptance of the Marshall Plan is one of them—is that at the critical junctures when the stakes are high, the prevailing mass opinion will impose what amounts to a veto upon changing the course on which the government is at the time proceeding. Prepare for war in time of peace? No. It is bad to raise taxes to unbalance the budget, to take men away from their schools or their jobs to provoke the enemy. Intervene in a developing conflict? No. Avoid the risk of war. Withdraw from the area of the conflict? No. The adversary must not be appeased. Reduce your claims on the area? No. Righteousness cannot be compromised. Negotiate a compromise peace as soon as the opportunity presents itself? No. The aggressor must be punished. Remain armed to enforce the dictated settlement? No. The war is over. The unhappy truth is that the prevailing public opinion

The Malady of Democracy

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3 The Pattern of the Mistakes

IN ORDER to see in its true perspective what happened we must remember that at the end of the First World War the only victorious powers were the liberal democracies of the West. Lenin who had been a refugee in Switzerland until 1917 was still at the very beginning of his struggle to become the master of the empire of the Romanoffs. Mussolini was an obscure journalist, and nobody had dreamed of Hitler. The men who took part in the Peace Conference were men of the same standards and tradition. They were heads of duly elected governments in countries where respect for civil liberty was the rule. Europe from the Atlantic to the Prinet Marshes lay within the military orbit of their forces. All the undemocratic empires enemy and ally had been destroyed by defeat and revolution. In 1918—unlike 1945—there had been no Yalta. There was no alien foreign minister at the peace conference who held a veto on the settlement.

Yet as soon as the terms of the settlement were known it was evident that peace had not been made with Germany. It was not for want of power but for want of statesmanship that the liberal democracies failed. They failed to restore order in that great part of the world which—outside of revolutionary Russia—was still within the orbit of their influence. Still amenable to their leadership still subject to their decisions still living in the same international community economy still living in the same universe of discourse. In this failure to make peace there was generated the cycle of wars in which the West has suffered so sudden and so spectacular a decline.

Public opinion having vetoed reconciliation, had made the settlement unworkable. And so when a new genera-

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world safe for democracy. This crusade would make the whole world a democracy. As a result of this unpassioned nonsense public opinion became so envenomed that the people would not countenance a workable peace. They were against any public man who showed any tenderness for the Hun, or was inclined to listen to the Hun food sunch.

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Clifford Northrup, *Peace making* Ch. p. III

public opinion has been aroused. ~~some~~ ^{some} curve way to

however ~~human~~ ^{human} propensity to err—over and above their own the bi mistakes that public opinion has insisted upon Even the greatest men have not been able to turn back he massive tides of opinion and of sentiment.

There is no mystery about why there is such a tendency for popular opinion to be wrong in judging war and peace. Strategic and diplomatic decisions call for a kind of knowledge—not to speak of an experience and a seasoned judgment—which cannot be had by glancing at newspapers listening to snatches of radio comment, watching politicians perform on television hearing occasional lectures, and reading a few books. It would not be enough to make a man competent to decide whether to amputate a leg and it is not enough to qualify him to choose war or peace to arm or not to arm, to intervene or to withdraw to fight on or to negotiate.

Usually moreover when the decision is crucial and the public will not be told the whole truth. What negent, the public it will not hear in the complicated and qualified concreteness that is needed for a practical decision. When distant and unfamiliar and complex things are communicated to great masses of people the truth suffers a considerable and often a radical distortion. The complex is made over into the simple the hypothetical into the dogmatic, and the relative into an absolute. Even when there is no deliberate distortion by censorship and propaganda which cannot be counted upon to apprehend regularly and promptly the reality of things. There is an inherent tendency in opinion to feed upon rumors excited by our own wishes and fears.

4 Democratic Politicians

At the critical moments in this sad history there have been men worth listening to who warned the people against their mistakes. Always too there have been men inside the governments who judged correctly because they were permitted to know in time the uncensored and

tion of Germans grew up they rebelled. In the West peace

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announcing he would wage against Europe. Having refused the risk of trying to prevent war they would not now prepare for the war. The European democracies chose to rely on the double negative of unarmed appeasement, and the American democracy chose to rely on unarmed isolation.

When the unprevented war came the fatal cycle was repeated. Western Europe was defeated and occupied before the British people began seriously to wage the war. And after the catastrophe in Western Europe eighteen agonizing months of indecision elapsed before the surprise and shock of Pearl Harbor did for the American people what no amount of argument and evidence and reason had been able to do.

Once again it seemed impossible to wage the war energetically except by inciting the people to paroxysms of hatred and to utopian dreams. So they were told that the Four Freedoms would be established everywhere once the incurably bad Germans and the incurably bad Japanese had been forced to surrender unconditionally. The war could be popular only if the enemy was altogether evil and the Allies very nearly perfect. This mixture of envenomed hatred and furious righteousness made a public opinion which would not tolerate the calculated compromises that durable settlements demand. Once again the people were drugged by the propaganda which had aroused them to fight the war and to endure its miseries. Once again they would not think, once again they would not allow their leaders to think about an eventual peace with their enemies or about the differences that must arise among the Allies in this coalition as in all earlier ones. How well this popular diplomacy worked is attested by the fact that less than five years after the democracies had disarmed their enemies they were imploring their former enemies, Germany and Japan, to rearm.

The record shows that the people of the democracies having become sovereign in this century have made it increasingly difficult for their governments to prepare properly for war or to make peace. Their responsible officials have been like the ministers of an opinionated and willful despot. Between the critical junctures when

The Malady of Democratic States 29

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the men of the counties. They are to meet, and the king will ask the knights what aid they will grant to him. This is the basic relationship. The government can act. Because it can act, it decides what action should be taken, and it proposes the measures. It then asks the representatives of those who must supply the money and the men for the means to carry out its decisions. The governed, through their representatives, the two knights of the Shire from each county give or withhold their consent.

From the tension and the balance of the two powers—that of the ruler and that of the ruled—there evolved the written and the unwritten contracts of the constitution. The grant of aid by the ruled must be preceded by the ruler's redress of their grievances. The government will be refused the means of governing if it does not listen to the petitions if it does not inform, if it does not consult, if it cannot win the consent of those who have been elected as the representatives of the governed.

The executive is the active power in the state the asking and the proposing power. The representative assembly is the consenting power the petitioning the approving and the criticizing the accepting and the refusing power. The two powers are necessary if there is to be order and freedom. But each must be true to its own nature each limiting and complementing the other. The government must be able to govern and the citizens must be represented in order that they shall not be oppressed. The health of the system depends upon the relationship of the two powers. If either absorbs or destroys the functions of the other power the constitution is deranged.

There is here a relationship between governors and governed which is I would contend, rooted in the nature of things. At the risk of reasoning by analogy I would suggest that this duality of function within a political society has a certain resemblance to that of the two sexes in the act of reproduction each sex has an unalterable physiological function. If this function is devitalized or is confused with the function of the other sex, the result is sterility and disorder.

In the final acts of the state the issues are war and peace, security and solvency order and insurrection. In these final acts the executive power cannot be exercised by the representative assembly. Nor can it be exercised after the suppression of the assembly. For in the derangement of the two primary functions lie the seeds of disaster.

unquestionably as true judgments of the vital interests of the community

To whom for example did the Preamble of the Constitution refer when it said that "We the People of the United States do ordain and establish this Constitution?"

On September 17, 1787, the delegates of the thirteen original states had ratified it then for those nine states The People of the United States would have ordained and established the Constitution. In this context a majority of the delegates elected to nine state conventions were deemed to be entitled to act as The People of the United States

The inhabitants of the United States who were qualified to vote for these delegates were not a large number They included no slaves no women and except in New York, only such adult males as could pass property and other highly restrictive tests We do not have accurate figures But according to the census of 1790 the population was 3 929 782 Of these 3 200 000 were free persons and the adult males among them who were entitled to vote are estimated to have been less than 500 000 Using the Massachusetts figures as a statistical sample it may be assumed that less than 160 000 actually voted for delegates to all the ratifying conventions and of those voting perhaps 100 000 favored the adoption of the Constitution

The exact figures do not matter The point is that the voters were not—and we may add that they have never been and can never be—more than a fraction of the total population They were less than 5 per cent when the Constitution was ordained They were not yet 40 per cent in 1952 when except under the special conditions in the South, we had universal adult suffrage Manifestly

These figures are from a memorandum prepared for me by my friend, Prof. Allan Nevins. In his covering letter January 24 1952, he says

Anyone who writes about election figures in our early national history tread upon very unsafe ground Trustworthy data—the statistics and the general information—are too scanty for any explicit statement of detailed conclusions for the country as a whole. As you will see, I have only a few figures for various states and localities, but we have no warrant for generalizing them to apply to the country as a whole. It is entirely likely that the percentage of the population that voted in the early elections was under 5 per cent.

years they had changed greatly and in a hundred years entirely

The people then is not only as Bentham assumed, the aggregate of living persons. The people is also the stream of individuals the connected generations of changing persons that Burke was talking about when he invoked the partnership "not only between those who are living but also with those who are dead and those who are to be born. The People are a corporation an entity that is to say which lives on while individuals come into it and go out of it.

For this reason Bentham cannot have been right when he said that the interests of the community are no more than the sum of the interests of the several members who happen to compose it at any particular instant of time. He cannot have been right when he said that the happiness of the individuals of whom a community is composed is their pleasures and their security is the end and the sole end which the legislator ought to have in view.

For besides the happiness and the security of the individuals of whom a community is at any moment composed, there are also the happiness and the security of the individuals of whom generation after generation it will be composed. If we think of it in terms of individual persons the corporate body of *The People* is for the most part invisible and inaudible. Indeed as a whole it is nonexistent, in that so many are dead and so many are not yet born. Yet this corporate being, though so insubstantial to our senses binds in Burke's words a man to his country with ties which though light as air are as strong as links of iron. That is why young men die in battle for their country's sake and why old men plant trees they will never sit under.

This invisible inaudible and so largely nonexistent community gives rational meaning to the necessary objectives of government. If we deny it, identifying the people with the prevailing pluralities who vote in order to serve as Bentham has it, "their pleasures and their security where and what is the nation and whose duty and business is it to defend the public interest? Bentham leaves us with the state as an arena in which factions contend for their immediate advantage in the struggle for

once at the beginning of the imperial power would have to happen again whenever the throne was vacant. As the imperium escheats or reverts to the people and the people had then to choose a new emperor they might even "translate" the empire from one nation to another in this instance from the Greeks to the Germans. Need less to say "th people who were presumed to have this power had neither votes nor any other means of making their will known. It was presumed that they wished to have their power exercised for them. In the coronation of Charlemagne the Pope did this he 'merely declared and exercised the people's will.

All this seems long ago and far away. But if we reject virtual representation the question remains: if the Pope or the king or the parliament of magnates cannot represent *The People* how do a plurality of voters truly declare and exercise *The People's will*? It sounds incongruous to modern ears that the Pope should represent the people. But is it so congruous that the people should be represented by a count of the votes of some persons? The conundrum springs from the fact that while *The People* as a corporate body are the true owners of the sovereign power. The People as an aggregate of voters have diverse conflicting self-centered interests and opinions. A plurality of them cannot be counted upon to represent the corporate nation.

The distinction upon which I am dwelling does not, as one might suppose, cease to matter when the voters become enormously many. Cannot a multitude of voters be regarded as the practical equivalent of all the people? They cannot be. To multiply the voters makes it no more probable that a plurality of them will truly represent the public interest. Our experience with mass elections in the twentieth century compels us, I think, to the contrary conclusion that public opinion becomes less realistic as the mass to whom information must be conveyed, and argument must be addressed grows larger and more heterogeneous.

All this will seem less odd if we remind ourselves that political democracy as we know it in this century is a very recent political phenomenon. The moral presumption in favor of universal suffrage may perhaps be said to have been laid down by the American and the French Revolutions at the end of the eighteenth century. But (until the end of the nineteenth century) the actual ad

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CHAPTER FOUR

The Public Interest

1. What Is the Public Interest?

WE ARE examining the question of how and by whom the interest of an invisible community over a long span of time is represented in the practical work of governing a modern state.

In ordinary circumstances voters cannot be expected to transcend their particular localized and self regarding opinions. As well expect men laboring in the valley to see the land as from a mountain top. In their circumstances which as private persons they cannot readily surmount, the voters are most likely to suppose that whatever seems obviously good to them must be good for the country and good in the sight of God.

I am far from implying that the voters are not entitled to the representation of their particular opinions and interests. But their opinions and interests should be taken for what they are and for no more. They are not—as such—propositions in the public interest. Beyond their being if they are genuine a true report of what people are thinking. The Gallup polls are reports of what various groups of voters are thinking, they have no intrinsic authority. But that a plurality of the people sampled in the poll think one way has no bearing upon whether it is sound public policy. For their opportunities of judging the great issues are in the very nature of things limited, and the statistical sum of their opinions is not the final verdict on an issue. It is rather the beginning of the argument. In that argument their opinions need to be confronted by the views of the executive defending and promoting the public interest. In the accommodation reached between the two views lies practical public policy.

Let us ask ourselves how we have been saying we know that we cannot answer the question by attempting to forecast what the invisible community with all its unborn constituents will would or might say if and when it

says balanced. The true nature of the reckoning would be clearer if instead of talking about an unbalanced budget, we spoke of a budget balanced not by taxes but by borrowing of a budget balanced by inflation or of a budget balanced by subsidy. A government which cannot raise enough money by taxes, loans, foreign grants or by getting its fiat money accepted, will be unable to meet its bills and to pay the salaries of its employees. In bankruptcy an involuntary balance is struck for the bankrupt. He is forced to balance his accounts by reducing his expenditures to the level of his income.

Within limits which public men have to bear in mind, the choices as to where to balance the budget are open. In making these choices new equations confront them. Granted that it is possible to bring the budget into balance by raising taxes how far can taxes be raised? Some what but not ad infinitum. There are no fixed criteria. But though we are unable to express all the equations quantitatively this does not relieve us of the necessity of balancing the equations. There will be a reckoning. Practical judgment requires an informed guess what will the taxpayers accept readily what will they accept with grumbling but with no worse, what will arouse them to resist and to evasion? How will the taxpayers react to the different levels of taxes if it is a time of peace a time of war a time of cold war a time of social and economic disturbance and so on? Although the various propositions cannot be reduced to precise figures prudent men make estimates as to where the equations balance.

Their decisions as to where to balance the accounts must reflect other judgments—as to what, for example, are the military requirements in relation to foreign affairs what is the phase of the business cycle in relation to the needs for increased or decreased demand what is the condition of the international monetary accounts which are the necessary public works and welfare measures, and which are those that are desirable but not indispensable. Each of these judgments is itself the peak of a pyramid of equations whether for example to enlarge or to reduce the national commitments at this or that point in the world—given the effect of the decision at other points in the world.

We may say then that public policy is made in a field of equations. The issues are the choices as to where the balance is to be struck. In the reality of things X will ex-

CHAPTER FIVE

The Two Functions

1 *The Elected Executive*

OUR INQUIRY has shown I believe that we cannot take popular government for granted, as if its principles were settled and beyond discussion. We are compelled to agree with Sir Henry Maine who wrote some seventy years ago that "the actual history of popular government since it was introduced in its modern shape into the civilized world, does little to support the assumption that popular government has an indefinitely long future before it. Experience rather tends to show that it is characterized by great fragility and that since its appearance all forms of government have become more insecure than they were before."

We have been dwelling upon the devitalization of the executive power as the cause of the fragility that Maine speaks of. It is I have been saying the disorder which results from a functional derangement in the relationship between the executive power on the one hand, the representative assemblies and the mass electorates on the other hand.

Democratic states are susceptible to this derangement because congenitally the executive when dependent on election is weaker than the elected representatives. The normal drainage of power in a democratic state is away from the governing center and down into the constituencies. And the normal tendency of elections is to reduce elected officers to the role of agents or organized pluralities. Mod-

Sir Henry Maine *Popular Government* (1886) p. 20
 Y. et R. Simon *Philosophy of Democracy* (M. Monod ed., Washington, 1903) Vol. II, pp. 16-163 (the writer is surveying what he terms the principal defects of the constitution). All the powers of government, legislative, executive, and judiciary rest in the legislative body. The concentration of these in the same hands is precisely the definition of despotic government. It will be sufficient to that these powers will be exercised by a plurality of hands and not by a single one. One hundred and at least three despots would surely

The Protection of the Executive

DURING the nineteenth century good democracy was primarily concerned with insuring representation in the assemblies and with extending the control of the assemblies over the executive power. It is true that the problem of the inadequate executive overridden and dominated by the assembly was very much in the minds of the Founding Fathers at the Philadelphia convention and it has been a continuing concern of the critics and opponents of democracy. But until the twentieth century the problem was not sharply and urgently posed. That there was such a problem was well known. But it was not the immediate problem.

For some generations before 1914 the West enjoyed fine political weather. Moreover the full force of the coming enfranchisement, emancipation and secularization of the whole population had not yet worked its consequences. Governments still had authority and power which were independent of the assemblies and the electorates. They still drew upon the traditional sources of authority—upon prescription, hereditary prerogative and consecration.

Yet the need to protect the executive and judicial powers from the representative assemblies and from mass opinion has long been understood. Many expedients have been devised to soften, to neutralize to check and to balance the pressure of parties, factions, lobbies, sects. The expedients have taken, says Bryce two general forms: the one being to put constitutional restrictions upon the assembly and the other by a division of the whole power of the people to weaken it. This has been done by electing the legislature and the executive separately or by having the legislative bodies elected by the differing constituencies and at different times.

The constitutional mechanisms have never themselves been sufficient to protect the executive. And much invention and reforming energy have been applied to find

B. of Woodrow Wilson, *Congress and Government* Ch. 5
 H. Wilson, J. Y. Madison, *The Federalist* (Modern Library)
 48 pp. 32, 36 N. 49 pp. 330-33 A. 71 pp. 464-466.
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But cf. Woodrow Wilson, *Congressional Government* Ch. 5
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called the multitude of the disciples to them and said: Look ye out among you seven men of honest report, full of the Holy Ghost and wisdom whom we may appoint over this business. When these men had been chosen and had prayed, the apostles laid their hands upon them. Having been ordained, they were not the servants of the multitude who had elected them but of God.

This principle applied to the election of Popes. As Suarez says, The Pope is elected by cardinals yet he receives his powers from God immediately. The same principle applied to elected kings. After the electors had chosen the king, he was crowned and anointed. Then his duty was to his own vows and not to the electors. Both parts of election did not bind the ruler to the electors. Both parts of the transaction were bound only to the office: the electors to designate a king worthy of the office, the king to fill the office worthily.

If we look closely at the matter we find I believe that must be the principle of election when the electors are chosen not someone to represent them to the government, but the governors themselves. Though it is not too well recognized there is a radical difference between the election of an executive and the election of a representative. For while the executive is in honor bound not to consider himself as the agent of his electors, the representative is expected to be within the limits of reason and the general public in rest, their agent.

This distinction has deep roots in the political experience of Western society and though unrecognized in principle it is implicit in our moral judgments. Everyone who has a case in court is entitled to the law and the code of professional practice is expected to be the partisan and advocate of his client. But this presupposes not only that his opponent will be effectively represented too but that the case will go to a court where the judge is not an advocate. The same ethical standards are recognized though they are applied less rigorously in the executive branch of the government. No President or head of a department could afford to admit that he was using his office to further the interests of a client or of a pressure group or

threaten the security the solvency and the liberties of the state

In the traditions of Western society civilized government is founded on the assumption that the two powers exercise the two functions will be in balance—that they will check restrain, compensate complement, inform and vitalize each one the other

In this century the balance of the two powers has been seriously upset. Two great streams of evolution have converged upon the modern democracies to devitalize to enfeeble and to eviscerate the executive powers. One is the enormous expansion of public expenditure chiefly for war and reconstruction this has augmented the power of the assemblies which vote the appropriations on which the executive depends. The other development which has acted to enfeeble the executive power is the growing incapacity of the large majority of the democratic peoples to believe in intangible realities. This has stripped the government of that imponderable authority which is derived from tradition immemorial usage consecration, veneration, prescription prestige heredity hierarchy

At the beginning of our constitutional development the King, when he had mastered the great barons was the proprietor of the greatest wealth in the realm. The crown was also the point from which radiated the imponderable powers to bind and to command. As the King needed money and men for his wars he summoned representatives of the counties and the boroughs who had the money and the men he needed. But the imponderable powers together with very considerable power in land and in men were still in the King's own hands. Gradually over the centuries the power of the Parliament over the supplies of the government grew larger. They had to appropriate a larger proportion of a much greater total. At the same time in the white light of the enlightenment and the secularization of men's minds the imponderable powers of the crown diminished

Under the stress and the strain of the great wars of the twentieth century the executive power has become elaborately dependent upon the assemblies for its enormous expenditures of men and of money. The executive has at the same time been deprived of very nearly all of his imponderable power. Fearing the action of the representative assembly he is under great temptation to outwit it or bypass it, as did Franklin D. Roosevelt in the period of

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CHAPTER SIX

The Totalitarian Counterrevolution

1. *Certain of Its Lessons*

WE CAN learn something about the kind of incapacity which has brought on disaster for the modern democracies by the nature of the counterrevolutions that have undermined and overthrown so many of them. There are various types of counterrevolutions. The most notable are the Soviet Communist, Italian Fascist, German National Socialist, Spanish Falangist, Portuguese Corporatist, the Titoist, and Peronist. Besides these organized counter-revolutionary movements professing doctrines of an anti-liberal and undemocratic character there is, in large areas of the world, a very strong tendency to nullify the democratic system behind the façade of democratic institutions. The countries where elections are free and genuine where civil liberty is secure are still powerful. But they embrace a shrinking minority of mankind.

Now in all these counterrevolutionary movements there are two common characteristics. One is the separation of the governing power from the large electorate. In the totalitarian states this is done by not holding free elections; in the great number of nontotalitarian but also nondemocratic states it is done by controlling and rigging the elections.

The other common characteristic of the counterrevolutions is that political power which is taken away from the electorate the parties and the party bosses is then passed to an elite corps marked off from the mass of the people by special training and by special vows. The totalitarian revolutions generally liquidate the elite of the old regime and then recruit their own elite of specially trained and specially dedicated and highly disciplined men. Elsewhere when the liberal democratic system fails the new rulers are drawn from the older established elites—from the army officers from the clergy the higher bureaucracy and the diplomatic corps from university professors.

they will be governed without being represented there is no doubt at all as to how the issue will be decided. They will choose authority which promises to be paternal in preference to freedom which threatens to be fratricidal. For large communities cannot do without being governed. No ideal of freedom and of democracy will long be allowed to stand in the way of their being governed.

The plight of the modern democracies is serious. They have suffered great disasters in this century and the consequences of these disasters are compounding themselves. The end is not yet clear. The world that is safe for democracy and a safely democratic is shrunken. It is still shrinking. For the disorder which has been incapacitating the democracies in this century is, if anything, becoming more virulent as time goes on.

A continuing practical failure to govern will lead—no one can say in what form and under what banners—to counterrevolutionary measures for the establishment of strong government. The alternative is to withstand and to reverse the descent towards counterrevolution. It is a much harder way. It demands popular assent to radical measures which will restore government strong enough to govern strong enough to resist the encroachment of the assemblies and of mass opinions and strong enough to guarantee private liberty against the pressure of the masses.

It would be foolish to attempt to predict whether the crisis of the democratic state will be resolved by such an internal restoration and revival or by counterrevolution. No doubt the danger of counterrevolution is greater in countries where the margins of life are thinner. No doubt the prospects of a restoration and revival are best in countries where the traditions of civility and the public philosophy of Western society have deep roots and a long history.

which was just in the way of accommodating itself to a newly enfranchised mass of voters and the French noblesse of the *Ancien Régime*. He went on to reflect that

from an early time a fundamental difference existed between the behavior of the governing classes in England and in France. The nobility the cornerstone of medieval society revealed in England a peculiar ability to merge and mix with other social groups while in France it tended on the contrary to close its ranks and preserve its original purity of birth.

In the early Middle Ages all Western Europe had a similar social system. But some time in the Middle Ages one cannot say exactly when a change pregnant with tremendous consequences occurred in the British Isles and in the British Isles only—the English nobility developed into an open aristocracy while the continental nobility stubbornly remained within the rigid limits of a caste.

This observes de Tocqueville is the most revolutionary fact in English history and he claims to have been the first to observe its importance and to grasp its full significance. It is truly a deep and illuminating observation on the conditions which are favorable to a healthy and progressive evolution of democracy and on the conditions which make it morbid and degenerative. The crucial difference is between what we might call enfranchisement by assimilation into the governing class as exemplified in England and *per contra* enfranchisement by the overthrow and displacing of the governing class as exemplified in France. In the one the government remains but becomes more responsible and more responsive in the other the government is overthrown with the liquidation of the governing class.

Although the two ways of evolution appear to have the same object—a society with free institutions under popular

control and which are carefully stated in special books written in English and in French form, his ideas about England are more important and more scattered as they are in no particular order among volumes of correspondence sometimes appearing in bunches in the form of essays sometimes as sudden thoughts by way of comparison and opposition.

who were not like those he saw living at the Court of Versailles exclusive and incompetent, corrupt, unteachable and unconcerned.

"Would you know the story in brief of almost all our wretchedness? asked Diderot. Here it is. There existed a natural man and into this man was introduced an artificial man, whereupon a civil war arose within him lasting through life. If you propose to become a tyrant over him do your best to poison him with a theory of morals against nature impose every kind of fetter on him embarrass him with a thousand obstacles place phantoms around him to frighten him. Would you see him happy and free? Do not meddle with his affairs. I appeal to every civil religious and political institution examine these closely and, if I am not mistaken you will find the human species, century after century subject to a yoke which a mere handful of knaves chose to impose on it. Be wary of him who seeks to establish order to order is to obtain the mastery of others by giving them trouble.

If we compare the mood of this passage with that of the Declaration of Independence the work of the other brand of revolutionists we must be struck by the nihilism of Diderot. Diderot had been exasperated to a blind destructive despair by the rigidity of the French governing caste. He could not feel that there was anything to be done with any government, judging by the one he suffered under except to abolish it.

Jefferson and his colleagues on the other hand, were interested in government. They were in rebellion because they were being denied the rights of representation and of participation which they like other subjects of the same king would have enjoyed had they lived in England. The Americans were in rebellion against the "usurpations" of George III not against authority as such but against the abuse of authority. The American revolutionists had in fact participated in the colonial governments. They intended to play leading parts as indeed they did in the new government. Far from wishing to overthrow the authority of government, or to deny and subvert, as Diderot did the moral foundations of authority they went into rebellion

human society. Again and again it has been proved how effective is this formula for arousing sustaining and organizing men's energies for revolution to declare that evil in society has been imposed upon the many by the few—by priests nobles capitalists imperialists liberals, aliens—and that evil will disappear when the many who are pure have removed these few who are evil.

The summons to revolution in the *Communist Manifesto* of 1848 uses the same formula as the Jacobins had used a half century earlier. Marx and Engels were men steeped in the Western revolutionary tradition, and habituated therefore to the notion that the act of revolution removes the source of evil and creates this perfect society. The French Revolution had not made this perfect society. For by 1848 there were the capitalist oppressors Marx and Engels called for the next revolutionary act, announce

in that now the Third Estate the bourgeois capitalists needed to go the way of the liquidated nobles and clergy. This is the formula that when the revolution of the masses is victorious over the few there will exist the classless society without coercion and violence and with freedom for all. This formula reappears whenever conditions are revolutionary—that is to say when necessary reforms are being refused. The formula is the strategy of rebellion of those who are unable to obtain the redress of grievances. The rulers are to be attacked. So they are isolated. They are few. So they are not invincible. They bear the total guilt of all the sufferings and grievances of men. To remove them is then to cure all evil. Therefore their overthrow which is feasible will be worth every sacrifice. Since the world will be good when the evil few have been overthrown there is no need for the doubts and the disputes which would arise among the revolutionists if they had to make serious practical decisions on the problems of the post revolutionary world.

You are summoned said Barrère to the National Assembly to give history a fresh start. This was to be done by stripping off as Taine puts it the garments of the artificial man all those fictitious qualities which make him ecclesiastic or layman noble or plebeian sovereign or subject proprietor or proletarian ignorant or cultivated. The established authorities who have made man wear these garments for their selfish and sinister ends must go. The

first in order to gain admittance into and then to take possession of the organs of government

When they declared that a prince (George III) whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people they were not saying that there was *no one* who was fit to be the ruler of a free people. They were imbued with the English idea that the governing class must learn to share its special prerogatives by admitting new members. The

1
 200 3 after they had overthrown the gov-
 ernment of the King They were not nihilists to whom the
 revolutionary act of overthrowing the sovereign is the
 climax and consummation of everything

2 The Paradigm of Revolution

OF THE two rival philosophies the Jacobin is almost every where in the ascendant. It is a ready philosophy for men who previously excluded from the rule of the state.

vation explains the reaction as de Tocqueville observed. When there is no opening for the gradualness of reform and for enfranchisement by assimilation a revolutionary collision is most likely.

The Jacobin doctrine is addressed to the revolutionary collusion between the inviolable governing caste and the excluded men claiming the redress of their grievances and their place in the sun. Though it professes to be a political philosophy the doctrine is not in fact a philosophy of government. It is a gospel and also a strategy for revolution. It announces the promise that the crusade which is to overthrow the ruling caste will by the act of revolution create a good society.

The peculiar essence of the dogma is that the revolution itself is the creative act. Towards the revolution as such because it is the culmination and the climax all the labor and the sacrifice of the struggle are to be directed. The revolutionary act will remove the causes of ex-

"be led of the spirit and would not be under the law. But in the Jacobin gospel this transformation was to be achieved by the revolutionary act of emancipation from authority. The religious end was to be reached, but without undergoing the religious experience. There was to be no dark night of the soul for each person in the labor of his own regeneration. Instead there were to be riots and strikes and votes and seizure of political power. Instead of the inner struggle of the individual soul, there was to be one great public massive collective redemption.

3 *Democratic Education*

WE LIVE long enough after the new gospel was proclaimed to have seen what came of it. The post revolutionary man, enfranchised and emancipated has not turned out to be the New Man. He is the old Adam. Yet the future of democratic society has been staked on the promises and the predictions of the Jacobin gospel.

For the Jacobin doctrine has pervaded the theory of mass education in the newly enfranchised mass democracies. In America and in most of the newer liberal democracies of the Western world, the Jacobin heresy is though not unchallenged and not universal, the popular and dominant theory in the schools.

Its popularity is easily accounted for. It promises to solve the problem which is otherwise so nearly insoluble—how to educate rapidly and sufficiently the ever-expanding masses who are losing contact with the traditions of Western society. The explosive increase of the population in the past hundred and fifty years its recent enfranchisement during the past fifty years the dissolution or at least the radical weakening of the bonds of the family the churches and of the local community have combined to make the demand upon the schools almost impossibly big.

Not only do the schools have to teach the arts and sciences to a multiplying mass of pupils. They have also to act in the place of the family the household economy the church, and the settled community and to be the bearers of the traditions and the disciplines of a civilized life. What the school system could do has never been anywhere nearly equal to the demands upon it. The modern democracies have never been willing to pay the price of recruiting and training enough teachers, of supporting

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consciously but precisely and surely will what is best for themselves from infancy on then there is in the very nature of things a guarantee that popular government must succeed

The best government will be the one which governs the least and requires therefore the least training and experience in the art of governing. The best education for democracy will be the one which trains disciplines and teaches the least. For the necessary faculties are inborn and they are more likely to be perverted by too much culture than to wither for the lack of it. There is moreover no body of public knowledge and no public philosophy that the schools are called upon to transmit. There are therefore no inconvenient questions of faith and morals questions on which there is no prospect of agreement by popular decision. The curriculum can be emptied of all the studies and the disciplines which relate to faith and to morals. And so while education can do something to enable the individual to make a success of his own career the instinctive rightness and righteousness of the people can be relied upon for everything else.

This is a convenient and agreeably plausible escape from reality. Pestalozzi described it by saying that

Sound Education stands before me symbolized by a tree planted near fertilizing water. A little seed which contains the design of the tree its forms and proportions, is placed in the soil. See how it germinates and expands into trunk, branches, leaves, flowers and fruit! The whole tree is an uninterrupted chain of organic parts the plan of which existed in its seed and root. Man is similar to the tree. In the newborn child are hidden those faculties which are to unfold during life.

The metaphor reveals very neatly how the Jacobin theory inhibits education. In no way that is relevant to the problems of politics and education is a man similar as Pestalozzi says he is to a tree which is planted near fertilizing water. For the tree will never grow up and take to writing treatises as Pestalozzi did on the education of trees and how to raise the best trees from all the little saplings. The tree will never worry about whether its little saplings are going to be planted near the most

If it is the role of reason merely to be an instrument of each man's career then the mission of the schools is to turn out efficient careerists. They must teach the know-how of success and thus—seasoned with the social amenities and some civic and patriotic exhortation—is the subject matter of education. The student elects those subjects which will presumably equip him for success in his career. The rest are superfluous. There is no such thing as a general order of knowledge and a public philosophy which he needs to possess.

4 *From Jacobinism to Leninism*

TOWARDS the middle of the nineteenth century Karl Marx and Friedrich Engels produced an explanation of why the first revolution had not fulfilled the promises of the Jacobins. It was that Modern bourgeois society rising out of the ruins of feudal society did not make an end of class antagonisms. It merely set up new classes in place of the old.

As Marx and Engels were scholars and men of the world, they should not have been surprised to find that the history of all human society past and present has been the history of class struggles and had they not been possessed by the Jacobin dogma, they would have thought it most probable that there would be class struggles in the future. But in the Jacobin philosophy the world as it is must be transformed the day is soon to come when history reaches its culmination will end and there will be no more struggles. So Marx and Engels decided that one more though this time the conclusive and the final revolution was called for in order to achieve the classless society. The proletariat is compelled to organize itself as a class and by means of a revolution it makes itself the ruling class and as such sweeps away by force the old conditions of production. Then it will along with these conditions have swept away the classes generally and will thereby have abolished its own supremacy as a class. The revolution which is behind us has failed. But the revolution which is still to come will put in place of the old bourgeois society with its classes and class antagonisms

act, he replaced it with the terrible doctrine that utopia must be brought about by an indefinitely prolonged process of unlimited revolution which would exterminate all opposition, actual and potential.

The totalitarian tendency has always been present and logically implied in the modern revolutionary movement. Yet Mr Isaiah Berlin is no doubt right in saying that while Lenin's solution of the crisis within the revolutionary movement 'marked the culmination of a process this was an event which altered the history of our world.

In 1903 at the conference of the Russian Social Democratic Party which began in Brussels and ended in London Lenin was asked by a delegate named Posadovsky whether the emphasis laid by the hard Socialists upon the need for the exercise of absolute authority by the revolutionary nucleus of the Party might not prove incompatible with those fundamental liberties to whose realization Socialism no less than liberalism was officially dedicated. Posadovsky asked whether the basic minimum civil liberties—the sacrosanctity of the person—could be infringed and even violated if the party leader so decided.

The answer was given by Plekhanov one of the founders of Russian Marxism and, says Mr Berlin its most venerated figure a cultivated, fastidious and morally sensitive scholar of wide outlook who had for twenty years lived in Western Europe and was much respected by the leaders of Western Socialism. Plekhanov was the very symbol of civilized scientific thinking among Russian revolutionaries. Plekhanov speaking solemnly and with a splendid disregard for grammar pronounced the words *salus est in suprema lex*. Certainly if the revolution demanded it, everything—democracy liberty the rights of the individual—must be sacrificed to it. If the democratic assembly elected by the Russian people after the revolution proved amenable to Marxist tactics it would be kept being as a Long Parliament if not, it would be disbanded as quickly as possible. A Marxist revolution could not be carried through by men obsessed by scrupulous regard for the principles of bourgeois liberals. Doubtless

5 *The Overpassing of the Bound*

This is the root of the matter and it is here that the ultimate issue lies. Can men acting like gods be appointed to establish heaven on earth? If we believe that they can be then the rest follows. To fulfill their mission they must assume a godlike omnipotence. They must be jealous gods, monopolizing power, destroying all rivals, compelling exclusive loyalty. The family, the churches, the schools, the corporations, the labor unions and co-operative societies, the voluntary associations and all the arts and sciences must be their servants. Dissent and deviation are treason and quietism is sacrilege.

But the monopoly of all power will not be enough. There remains the old Adam. Unless they can remake the fallen nature of a man, the self-elected gods cannot make a heaven of the earth. In the Jacobin gospel of the eighteenth century and even in the Marxist gospel of the nineteenth century the new man would be there when the artificial garments were removed—when once he was emancipated by the revolutionary act from the deformation imposed upon him by the clergy, the nobility and the bourgeoisie. A hundred years later the new man was nowhere in sight. So the early and softer gospel gave way to a later and infinitely harder one. The new man and the new heaven on earth demanded the remaking of pre-Leninist and pre-Hitlerian man. The decrees of history as revealed to Marx, and the decrees of nature as revealed to Hitler had to be carried out.

But in order to do that, the human species had first to be transformed—or failing that, exterminated. Destiny called upon the mortal god to make surviving mankind an active unfailing carrier, as Hannah Arendt says, of a law to which human beings would otherwise only passively and reluctantly be subject.

In the eyes of its devotees this is not an inhuman and satanic doctrine. It is above and beyond humanity. It is for the superman that its gospel announces. The ruthless-ness, the arbitrariness, the cruelty are not monstrous

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and uncivilized selves. Men have been barbarians much longer than they have been civilized. They are only precariously civilized, and within us there is the propensity persistent as the force of gravity to revert under stress and strain, under neglect or temptation, to our first natures. Rousseau and the Jacobins, Marx and the nineteenth century socialists did not introduce new impulses and passions into men. They exploited and aggravated impulses and passions that are always there. In the traditions of civilty man's second and more rational nature must master his first and more elemental.

The Jacobins and their successors made a political religion founded upon the reversal of civility. Instead of ruling the elemental impulses they stimulated and armed them. Instead of treating the pretension to being a god as the mortal sin or nemal they proclaimed it to be the glory and destiny of man. Upon this gospel they founded a popular religion of the rise of the masses to power. Lenin, Hitler and Stalin, the hard totalitarian Jacobins of the twentieth century carried this movement and the logical implications of its gospel further and further towards the very bitter end.

And what is that bitter end? It is an everlasting war with the human condition, war with the finitude of man and with the moral ends of finite men and therefore war against freedom, against justice, against the laws and against the order of the good society—as they are conceived in the traditions of civility as they are articulated in the public philosophy.

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mistaken, and that it makes a difference to have been wrong.

The chemistry of our bodies is never mistaken. The reaction of one chemical element to another chemical element is always correct, is never misled by misinformation by untruth, and by illusion. The doctor can be mistaken about the chemistry of his patient having failed to detect a substance which falsifies his diagnosis. But it is only the doctor who can be wrong the chemical process cannot be.

Why do men make mistakes? Because an important part of human behavior is reaction to the pictures in their heads. Human behavior takes place in relation to a pseudo-environment—a representation which is not quite the same for any two individuals of what they suppose to be—not what is—the reality of things. This man made this cultural environment, which has its being in the minds of men, is interposed between man as a biological organism and the external reality. It is in this realm that ideas are efficacious. They are efficacious because men react to their ideas and images to their pictures and notions of the world, treat these pictures as if they were the reality.

The very nothings in the realm of essence are efficacious in the existential world when a man believing it to be true or good, treats the idea as if it were the reality. In this way faith in an idea can quite literally remove a mountain. To be sure no man's idea can remove a mountain on the moon. But if the American people took it into their heads that life would not be worth living until Pike's Peak was in the suburbs of Chicago they could move Pike's Peak. They could do it if they and their descendants were sufficiently devoted to the idea for a long enough time.

Nothing would happen to Pike's Peak if the idea of removing it were merely proclaimed and celebrated. The idea would have to become like the idea of winning a war the object and the focus of the nation's energies. Then the idea would operate in the minds of men who voted, who planned, who would engineer the undertaking, who would raise the money would recruit the labor would procure the equipment and—shall we say—would suppress the mounting resistance of the objectors to the project.

Because ideas have the power to organize human be

BOOK TWO

The Public Philosophy

CHAPTER EIGHT

The Eclipse of the Public Philosophy

1 *On the Efficacy of Ideas*

THERE are those who would say using the words of philosophers to prove Π that it is the characteristic illusion of the tender minded that they believe in philosophy. Those who can do those who cannot teach and theorize. And being theorists by profession they exaggerate the efficacy of ideas which are mere airy nothings without mass or energy the mere shadows of the existential world of substance and of force of habits and desires of machines and armies.

Yet the illusion if it were one is inordinately tenacious. It is impossible to remove it from the common sense in which we live and have our being. In the familiar daylight world we cannot act as if ideas had no consequences. The whole vast labor and passion of public life would be nonsense if we did not believe that it makes Π difference what is done by parties newspapers books broadcasts schools and churches. All their effort would be irrelevant indeed nonsense like an argument about what Nebuchadnezzar should be served for tomorrow morning's breakfast.

The most thoroughgoing skeptic is unable in practice to make Π clean sweep—to say that since ideas have no consequences there is no such thing as a good idea or a bad one a true idea or a false one. For there is no escaping the indubitable fact of experience that we are often

The Eclipse of the Public Philanthropist

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Because ideas have the power to organize human

Because ideas have the power to organize human beings

no Englishmen, and that when Homer was alive there were no Romans? Quite certainly men have acquired the ways of thinking feeling and acting which we recognize as their ethnic, national, class and occupational characteristics. Comparatively speaking these characteristics are more over recently acquired. Even within the brief span of historical time characters have been acquired and have been lost and have been replaced by other characters. This is what gives to man's history despite his common humanity its infinite variety.

Because human nature is as Hocking puts it, "the most plastic part of the living world, the most adaptable and the most educable" it is also the most mal adaptable and mis-educable. The cultural heritage which contains the whole structure and fabric of the good life is acquired. It may be rejected. It may be acquired badly. It may not be acquired at all. For we are not born with it. If it is not transmitted from one generation to the next it may be lost, indeed forgotten through a dark age until somewhere and somehow men rediscover it and exploring the world again, recreate it anew.

The acquired culture is not transmitted in our genes and so the issue is always in doubt. The good life in the good society though attainable is never attained and possessed once and for all. So what has been attained will again be lost if the wisdom of the good life in a good society is not transmitted.

That is the central and critical condition of the Western society that the democracies are ceasing to receive the traditions of civility in which the good society the liberal democratic way of life at its best originated and developed. They are cut off from the public philosophy and the political arts which are needed to govern the liberal democratic society. They have not been initiated into its secrets and they do not greatly care for as much of it as they are prepared to understand.

In Toynbee's terrible phrase they are proletarians who rule but are not of the society they dominate.

The Eclipse of the Public Philosophy by 7
which was first worked out by the Stoics. As Ernest Barker

The rational faculty of man was conceived as producing a common conception of law and order which possessed a universal validity. This common conception included, as its three great notes, the Liberty, Equality and the brotherhood, or Fraternity of all mankind. These common conceptions, and its three great notes, have formed a European set of ideas for over two thousand years. It was a set of ideas which lived and moved in the *Verbe* of a sovereign St. Thomas Aquinas cherished the idea of a sovereign law of a pure unprinted in the heart and nature of man, to which kings and legislators must everywhere bow. It was a set of ideas which lived and acted with an even greater animation from the days of the Reformation to those of the French Revolution. Spoken through the mouth of Locke (they had justified) the English Revolution of 1688 and had recently served to inspire the American Revolution of 1776. They were ideas of the proper conduct of states and governments in the area of internal affairs. They were ideas of the natural rights of man—of liberty, political and civic, and with sovereignty residing essentially in the nation, and with free communication of thoughts and opinions of equality before the law and the equal separation of public expenses among all the members of the public of a general fraternity which tended in practice to be sadly restricted within the nation, but which could, on occasion, be extended by decree to protect all nations struggling for freedom.

These traditions were expounded in the treatises of philosophers were developed in the tracts of the publicists were absorbed by the lawyers and applied in the courts. At times of great stress some of the endangered traditions were committed to writing, as in the Magna Carta and the Declaration of Independence. For the guidance of judges and lawyers large portions were described—as in Lord Coke's examination of the common law. The public philosophy was in part expounded in the Bill of Rights of 1689. It was re-enacted in the first ten amendments of the

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advantage in treating the struggle for the ultimate allegiance of men as not within the sphere of the public interest. It was a way of not having to open the Pandora's box of theological moral and ideological issues which divide the Western society. But in this century when the hard decisions have had to be made this rule of prudence has ceased to work. The expedient worked only as long as the general mass of the people were not seriously dissatisfied with things as they were. It was an expedient that looked towards reforms and improvement. But it assumed a society which was secure progressive expanding and unchallenged. That is why it was only in the fine Victorian weather before the storm clouds of the great wars began to gather that the liberal democratic policy of public agnosticism and practical neutrality in ultimate issues was possible.

3 The Neglect of the Public Philosophy

We come, then to a crucial question. If the discussion of public philosophy has been so to speak tabled in the liberal democracies can we assume that though it is not being discussed there is a public philosophy? Is there a body of positive principles and precepts which a good citizen cannot deny or ignore? I am writing this book in the conviction that there is. It is a conviction which I have acquired gradually from the practical experience of seeing how hard it is for our generation to make democracy work. I believe there is a public philosophy of civility. It does not have to be discovered or invented. It is known. But it does have to be revived and renewed.

The public philosophy is known as *natural law* a name which alas causes great semantic confusion. This philosophy is the premise of the institutions of the Western society and they are I believe unworkable in communities that do not adhere to it. Except on the premises of this philosophy it is impossible to reach intelligible and workable conceptions of popular election majority rule

busy man wants to know how to do this or that they are now lamentably out of date. The language is archaic, the idiom is strange, the images are unfamiliar, the practical precepts are addressed to forgotten issues.

But this irrelevance and remoteness might be the dust which has settled during the long time when philosophers and scholars and popular educators have relegated the public philosophy to the attic when they have treated it as no longer usable by modern and progressive men. It is a neglected philosophy. For several generations it has been exceptional and indeed eccentric to use this philosophy in the practical discussion of public policies.

Neglect might well explain its dilapidated condition. If this were the explanation it would encourage us to explore the question of a renaissance. Could modern men again make vital contact with the traditions of civility? At least once before something of the sort did happen.

The traditions were articulated in the Graeco-Roman world, and submerged in the West by the decline and the fall of the Western empire. Later on they were revived and renovated and remade in a great flowering of discovery and enterprise and creativity. The revival of learning did not provide maps for Columbus to use in discovering America. But it did produce much human wisdom which helped Columbus and his contemporaries to discover themselves and their possibilities.

The ancient world, we may remind ourselves, was not destroyed because the traditions were false. They were submerged, neglected, lost. For the men adhering to them had become a dwindling minority who were overthrown and displaced by men who were alien to the traditions, having never been initiated and adopted into them. May it not be that while the historical circumstances are obviously so different something like that is happening again?

4. *The Universal Laws of the Rational Order*

FOR OVER two thousand years says Barker, European thought has been actuated by the idea that the rational faculties of men can produce a common conception of law and order which possesses a universal validity. This conception was first formulated as a theory by Zeno and the Stoics. It was absorbed by the Roman lawyers, was adopted by the Christian father, was re-established and

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it is a necessary assumption in the government of large and heterogeneous states Alexander came to it in spite of Aristotle's teaching to the contrary His practical experience compelled him to see that in an empire which included the Persians as well as the Greeks there had to be a common law which was valid for both To be valid for both the Greeks and the Persians the law had in some significant degree to have their consent The Persians could not be commanded and coerced

As in fact the laws were promulgated to the Persians by Alexander who was a Greek, it was necessary to convince the Persians that Alexander's laws reflected something that was higher than the will and the intentions of the Greeks something that was binding on both the Greeks and the Persians That something was the faculty of distinguishing by reason the good and the bad For this faculty was not peculiar to the Greeks but was common to both Persians and Greeks

Alexander had discovered empirically what Zeno was to formulate theoretically—that a large plural society cannot be governed without recognizing that, transcending its plural interests there is a rational order with a superior common law This common law is natural in the sense that it can be discovered by any rational mind that it is not the willful and arbitrary positive command of the sovereign power This is the necessary assumption without which it is impossible for different peoples with their competing interests to live together in peace and freedom within one community

The Roman lawyers worked out what Alexander had anticipated and what the Stoics taught By the time of Cicero there were three different bodies and conceptions of law The first, called *ius civile* was applicable only to Roman citizens The second was a body of commercial laws known as the *ius gentium* that were enforced by the Roman courts in all commercial cases a common law of contract throughout the empire The *ius gentium* was meant to contain what was common and universal separated from what was peculiar and

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secularism to the progressive division and specialization of labor. As the diversity of belief, opinion and interest became greater, the need for a common criterion and for common laws became more acute.

The new school of natural law was able to meet this need until the end of the eighteenth century. That was long enough to preside over the founding of the British and the American constitutional orders, and of those which derive from them. But the school of natural law has not been able to cope with the pluralism of the later modern age—with the pluralism which has resulted from the industrial revolution and from the enfranchisement and the emancipation of the masses of the people.

In the simple and relatively homogeneous society of the eighteenth century, natural law provided the principles of a free state. But then the mode of such thinking went out of fashion. In the nineteenth century, little was done to remind the old ideas. They were regarded as obsolete and false, as hostile to the rise of democracy, and they were abandoned to the reactionaries. The great frame of reference to the rational order was missing. No body of specific principles and precepts was worked out in order to regulate international relations, nor to cope with the problems raised by the industrial revolution and the advance of science and technology.

Yet, in this pluralized and fragmentary society, a public philosophy with common and binding principles was more necessary than it had ever been. The proof of the need is in the impulse to escape from freedom, which Erich Fromm has described so well. It has been growing stronger as the emancipation of the masses of the people from authority has brought the dissolution of public general, objective criteria of the true and the false, the right and the wrong. "I can assure you," wrote André Gide in 1928, "that the feeling of freedom can plunge the soul into a sort of anguish."

We know it from within by a sort of immediate and personal experience, says Gide, who was writing between the wars that "Western culture was steadily following its process of dissolution." Similarly, Spengler's

Erich Fromm, *Escape from Freedom*, trans. J. M. 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secularism to the progressive division and specialization of labor. As the diversity of belief, opinion and interest became greater, the need for a common criterion and for common laws became more acute.

The new school of natural law was able to meet this need until the end of the eighteenth century. That was long enough to preside over the founding of the British and the American constitutional orders and of those which derive from them. But the school of natural law has not been able to cope with the pluralism of the later modern age—with the pluralism which has resulted from the industrial revolution and from the enfranchisement and the emancipation of the masses of the people.

In the simple and relatively homogeneous society of the eighteenth century, natural law provided the principles of a free state. But then the mode of such thinking went out of fashion. In the nineteenth century, little was done to remind the old ideas. They were regarded as obsolete and false, as hostile to the rise of democracy, and they were abandoned to the reactionaries. The great frame of reference to the rational order was missing. No body of specific principles and precepts was worked out in order to regulate international relations, nor to cope with the problems raised by the industrial revolution and the advance of science and technology.

Yet, in this pluralized and fragmenting society, a public philosophy with common and binding principles was more necessary than it had ever been. The proof of the need is in the impulse to escape from freedom, which Erich Fromm has described so well. It has been grown stronger as the emancipation of the masses of the people from authority has brought the dissolution of public general objective criteria of the true and the false, the right and the wrong. I can assure you, wrote André Gide in 1938, that the feeling of freedom can plunge the soul into a sort of anguish.

We know it from within by a sort of immediate and personal experience, says Gibson, who was writing between the wars that Western culture was steadily following its process of dissolution. Similarly, Spencer's

Erich Fromm, *Escape from Freedom*, 1941, p. 26
 Th J m l A d d G d tra sl t d by Ju m O'Brien
 (1947-51) V I III 19 3 1939 try for Nov 15 19 8 p 26
 Et ne Gibson, Th Univ J P I ph al E P nc
 (1937)

have become the lonely crowd that Riesman has described. They are Durkheim's anomie mass. They are Toynbee's proletarians who are of but not in the community they live in for they have no stake in that community beyond the fact of its physical existence. Their "true hallmark" is neither poverty nor humble birth but the consciousness—of being disinherited. They are as Karl Jaspers says men dissolved into an anonymous mass because they are "without an authentic world without provenance or roots without, that is to say belief and faith that they can live by

and Riesman, *The Lonely Crowd* (1951) Vol. I, p. 41
 Emil Durkheim, *Social Problems*
 Arnold Toynbee, *A Study of History*
 Karl Jaspers, *The Origin and Goal of History* translated from the German edition of 1949 by Michael Bullock (London: Routledge and Kegan Paul Ltd. 1953) pp. 171-8

In the prevailing popular culture all philosophies are the instruments of some man's purpose all truths are self-centered and self regarding and all principles are the rationalizations of some special interest. There is no public criterion of the true and the false of the right and the wrong beyond that which the preponderant mass of voters consumers readers and listeners happen at the moment to be supposed to want.

There is no reason to think that this condition of mind can be changed until it can be proved to the modern skeptic that there are certain principles which when they have been demonstrated, only the willfully irrational can deny that there are certain obligations binding on all men who are committed to a free society and that only the willfully subversive can reject them.

When I say that the condition of anomy cannot be corrected unless these things are proved to the modern skeptic I mean that the skeptic must find the proof compelling. His skepticism cannot be cured by forcing him to conform. If he has no strong beliefs he will usually conform if he is made to conform. But the very fact that he has been forced by the government or by the crowd will prove that the official doctrine lacked something in the way of evidence or of reason to carry full conviction. In the blood of the martyrs to intolerance are the seeds of unbelief.

In order to repair the capacity to believe in the public philosophy it will be necessary to demonstrate the practical relevance and the productivity of the public philosophy. It is almost impossible to deny its high and broad generalities. The difficulty is to see how they are to be applied in the practical affairs of a modern state.

We are back in a manner of speaking, before the Roman lawyers worked out the *ius gentium* and related it to the *ius naturale* back with Alexander the Great, who understood the pressman need for common laws in a plural society and with Zeno who formulated the higher generalities which are self-evident, can we develop a positive working doctrine of the good society under modern conditions? The answer which I am making to this question is that it can be done if the ideas of the public philosophy are recovered and are re-established in the minds of men of light and leadership.

mmercial power and the comparatively simple problems of a society based on landed property were already overtaken by the problems of an economy in which property was owned as money as commercial paper as stocks and bonds. It was easy enough to assert rights to intangible property but difficult to define the duties of intangible property. Yet unless that was done property would not be under general laws.

Blackstone is in a way a tragic figure in that, thanks to his education he had the intimation that the right direction was to work toward bringing intangible property under public standards. Yet for one reason or another he did not take it. He was however troubled. He knew that nothing so generally engages the affections of mankind as that sole and despotic dominion which one man claims and exercises over the external things of the world in total exclusion of the right of any other individual in the universe. But as a man steeped in the civilized traditions of the West, he knew too that there must be rational limits put upon the acquisitive and possessive instincts. As a man of the world that is to say of his world and of the world that was to come he knew also how little the rising men of property wished to hear about obligations that would limit their absolute rights.

So with a certain regret, and perhaps with an intuitive foreboding he wrote that. Pleased as we are with the position, we seem afraid to look back to the means by which it was acquired as if fearful of some defect in our title. Not caring to reflect that (accurately and strictly speaking) there is no foundation in nature or in natural law why a set of words upon parchment should convey the dominion of land why the son should have a right to exclude his fellow-creatures from a determinate spot of ground because his father had done so before him or why the occupier of a particular field or of a jewel when lying on his death bed and no longer able to maintain possession should be entitled to tell the rest of the world which of them should enjoy it after him.

Blackstone thought that these questions which challenge the sole and despotic dominion of the property holder would be useless and even troublesome in common life. As a man of his world he felt bound to say that it is well if the mass of mankind will obey the laws when

ercise "the sole and despotic dominion" over the land and the resources of nature. The ultimate title does not lie in the owner. The title is in mankind in *The People* as a corporate community. The rights of the individual in that patrimony are creations of the law and have no other validity except as they are ordained by law. The purpose of laws which establish private property is not to satisfy the acquisitive and possessive instincts of the primitive man, but to promote "the peace and security of individuals which comprehend the grand ends of civil society —

Because the legal owner enjoys the use of a limited necessity belonging to all men he cannot be the sovereign lord of his possessions. He is not entitled to exercise his absolute and therefore arbitrary will. He owes duties that correspond with his rights. His ownership is a grant made by the laws to achieve not his private purposes but the common social purpose. And therefore the laws of property may and should be judged reviewed and when necessary amended so as to define the specific system of rights and duties that will promote the ends of society.

This is a doctrine of private property which denies the pretension to a sole and despotic dominion. When Blackstone though his conscience was troubled, accepted the sole and despotic dominion he broke with the public philosophy and the traditions of civility. After his break the recognized theorists developed regressively the conception of private property as an absolute right. For a time they excluded from political philosophy from jurisprudence and from legislation almost any notion that property had duties as well as rights.

Absolute private property inevitably produced intolerable evils. Absolute owners did grave damage to their neighbors and to their descendants. They ruined the fertility of the land. They exploited destructively the minerals under the surface. They burned and cut forests. They destroyed the wild life. They polluted streams. They cornered supplies and formed monopolies. They held land and resources out of use. They exploited the feeble bargaining power of wage earners.

For such abuses of absolute property the political scientists and the law makers had no remedy. They had lost the tradition that property is the creation of the law for social purposes. They had no principles by which the law could deal with the abuses of property. The individual is of the nineteenth century could not, therefore,

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types which he stated so well. The earth is the general property of all mankind. Private titles of ownership are assigned by law making authorities to promote the grand ends of civil society. Private property is therefore a system of legal rights and duties. Under changing conditions the system must be kept in accord with the grand ends of civil society.

Blackstone and his successors did not work out legal propositions from these principles. As I am contending that it would have been better if they had done so I now ask myself what is the validity of these principles? Are they devices like the rules of the road for regulating the traffic? If they are only that then another set of assumptions could be just as valid like the rule of the road in Britain that one must drive to the left. One could and in fact men have constructed systems of property on quite different assumptions—on the assumption for example that the earth is the general property of white men only or of a master race of white men or of those castes which have not sunk in a previous incarnation. But if the principles are more than that if they have a validity which overrides such special claims what is the virtue which gives them their validity?

They are the laws of a rational order of human society—in the sense that all men when they are sincerely and lucidly rational, will regard them as self-evident. The rational order consists of the terms which must be met in order to fulfill men's capacity for the good life in this world. They are the terms of the widest consensus of rational men in a plural society. They are the propositions to which all men concerned if they are sincerely and lucidly rational, can be expected to converge. There could never be a consensus that Africa belongs to the descendants of the Dutch settlers a property system founded on that pretension cannot be generally acceptable and will generate disorder. The classical doctrine has a superior validity in that a system of property based upon it may obtain a consensus of support in the community and would have the prospect of being workable.

When we speak of these principles as natural laws we must be careful. They are not scientific laws like the laws of the motions of the heavenly bodies. They do not describe human behavior as it is. They prescribe what it

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Blackstone and his successors did not work out sound propositions from these principles. As I am convinced that it would have been better if they had done so, I can ask myself what is the validity of these principles. Are they devices, like the rules of the road, for regulating the traffic? If they are only that, then a whole set of assumptions could be just as valid, like the rule of the road in Britain that one must drive to the left. One could, in fact, men have constructed systems of property on quite different assumptions—on the assumption, for example, that the earth is the general property of white men only, or of a master race of white men, or of those castes which have not survived in a previous incarnation. But if the principles are more than that, if they have a validity which overrides such special claims, what is the validity which gives them their validity?

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ed and survey of vice is in this world so necessary to the constituting of human virtue and the scanning of error to the confirmation of truth, how can we more easily and with less danger scout into the regions of error and falsity than by reading all manner of tractates and hearing all manner of reason?

The method of dialectics is to confront ideas with opposite ideas in order that the pro and the con of the dispute will lead to true ideas. But the dispute must not be treated as a trial of strength. It must be a means of elucida- tion. In a Socratic dialogue the disputants are arguing co-operatively in order to acquire more wisdom than either of them had when he began. In a sophistical argument the sophist is out to win a case using rhetoric and not dialectic. "Both alike" says Aristotle "are concerned with such things as come more or less within the general ken of all men and belong to no definite science. But while dialectic is a process of criticism wherein lies the path to the principle of all inquiries rhetoric is concerned with the modes of persuasion."

Disinterested from its original purpose and justification as a process of criticism freedom to think and speak are not its necessities. It is only from the hope and the intention of discovering truth that freedom acquires such high public significance. The right of self-expression is as such a private amenity rather than a public necessity. The right to utter words whether or not they have meaning, and regardless of their truth could not be a vital interest of a great state but for the presumption that they are the chaff which goes with the utterance of true and significant words.

But when the chaff of silliness baseness and deception is so voluminous that it submerges the kernels of truth freedom of speech may produce such frivolity or such mischief that it cannot be preserved against the demand for a restoration of order or of decency. If there is a dividing line between liberty and license it is where freedom of speech is no longer respected as a procedure of the truth and becomes the unrestricted right to exploit the

cern truth there are rules of evidence and of parliamentary procedure there are codes of fair dealing and fair comment, by which a loyal man will consider himself bound when he exercises the right to publish opinions. For the right to freedom of speech is no license to deceive and willful misrepresentation is a violation of its principles. It is sophistry to pretend that in a free country a man has some sort of inalienable or constitutional right to deceive his fellow men. There is no more right to deceive than there is a right to swindle, to cheat, or to pick pockets. It may be inexpedient to arraign every public liar as we try to arraign other swindlers. It may be a poor policy to have too many laws which encourage litigation about matters of opinion. But, in principle there can be no immunity for lying in any of its protean forms.

In our time the application of these fundamental principles poses many unsolved practical problems. For the modern media of mass communication do not lend themselves easily to a confrontation of opinions. The dialectical process for finding truth works best when the same audience hears all the sides of the disputation. This is manifestly impossible in the moving pictures. If a film advocates a thesis the same audience cannot be shown another film designed to answer it. Radio and television broadcasts do permit some debate. But despite the effort of the companies to let opposing views be heard equally and to organize programs on which there are opposing speakers the technical conditions of broadcasting do not favor genuine and productive debate. For the audience tuning on time and tuning off here and there cannot be counted upon to hear even in summary form the essential evidence and the main arguments on all the significant sides of a question. Rarely and on very few public issues does the mass audience have the benefit of the process by which truth is sifted from error—the dialectic of debate in which there is immediate challenge, reply, cross-examination, and rebuttal. The men who regularly broadcast the news and comment upon the news cannot—like a speaker in the Senate or in the House of Commons—be challenged by one of their listeners and compelled then and there to verify their statements of fact and to reargue their inferences from the facts.

Yet when genuine debate is lacking, freedom of speech does not work as it is meant to work. It has lost the principle which creates it and justifies it—that is to say

paper press taken as a whole freedom is largely unrestricted by law. Where confrontation is difficult, as in broadcasting, there is also an acceptance of the principle that some legal regulation is necessary—for example in order to insure fair play for political parties. When confrontation is impossible as in the moving picture or in the so-called comic books there will be censorship.

4. *The Limits of Dissent*

The counterrevolutionary movements have subjected the liberal democracies to severe stresses and strains. How to insure their security and survival without abandoning their liberties. They are faced with popular movements aided and abetted by unfriendly foreign powers and employing the machinery of democratic governments to capture it and in order to abolish it. When they are working to attain power and before they do attain it, the fascist and communist parties invoke all the guarantees of elections of representation of the assemblies of tenure in the civil service. But when they attain power they destroy the liberal democratic institutions on which as on a broad staircase they climbed to power.

This exploitation of free institutions is it seems to me compelling proof that these institutions are inseparable from the public philosophy. If the connection is forgotten as is so generally the case in the contemporary democracies free institutions are poorly defended by the liberal democracies. They are the easy prey of their enemies. Either the fascists seize power in order to forestall the communists or the communists seize power to forestall the fascists.

There is no equivocation in the public philosophy about the principle of the defense of free institutions. The rule is that the right to enjoy them and the duty to maintain them are inseparable. The right to these institutions is that is to say for those who adhere to them.

The criterion of loyalty is an indubitable commitment to defend and preserve the order of political and civil rights. The question of whether the liberal democratic states should outlaw or in other ways contain counterrevolutionary movements is not one of principle but of expediency. Practical prudence. There is no doubt.

already reached, on which it will be reached if time enough is given. The arbitrary will or other individual peculiarities of a sufficiently large number of minds may postpone the general agreement in that opinion indefinitely but it cannot affect what the character of that opinion shall be when it is reached. Thus final opinion then is independent, not indeed of thought in general but of all that is arbitrary and individual in thought is quite independent of how you, or I or any number of men think.

It is not possible to reject this faith in the efficacy of reason and at the same time to believe that communities of men enjoying freedom could govern themselves successfully.

3 The Mirror of History

We find then that the principle of freedom of speech, like that of private property falls within the bound of the public philosophy. It can be justified applied relied in a plural society only by adhering to the postulate that there is a rational order of things in which it is possible by sincere inquiry and rational debate to distinguish the true and the false the right and the wrong, the good which leads to the realization of human ends and the evil which leads to destruction and to the death of civility.

The free political institutions of the Western world are conceived and established by men who believed that honest reflection on the common experience of mankind would always cause men to come to the same ultimate conclusions. Within the Golden Rule of the same philosophy for elucidating their ultimate ends they could encourage with confident hope in the progressive discovery of truth. All issues could be settled by scientific investigation and by free debate if—but only if—all the investigators and the debaters adhered to the public philosophy if that is to say they used the same criteria and rules of reason for

Cited in Herbert W. Schneider, *A History of American Philosophy* (1946) p. 517. From *Classical Liberalism in North America*, *Review of American Philosophy* (1871).

multi-d. The new generation is faced with the task of re-discovering and re-inventing and relearning by trial and error most of what the guardians of a society need to know

No one generation can do this. For no one generation of men are capable of creating for themselves the arts and sciences of a high civilization. Men can know more than their ancestors did if they start with a knowledge of what their ancestors had already learned. They can do advanced experiments if they do not have to learn all over again how to do the elementary ones. That is why a society can be progressive only if it conserves its traditions. The generations are, as Bernard of Chartres said, like dwarfs seated on the shoulders of giants "enabled therefore to see more things than the Ancients and things more distant."

But traditions are more than the culture of the arts and sciences. They are the public world to which our private worlds are joined. This continuum of public and private memories transcends all persons in their immediate and natural lives and it ties them all together. In it there is performed the mystery by which individuals are adopted and initiated into membership in the community.

The body which carries this mystery is the history of the community and its central theme is the great deeds and the high purposes of the great predecessors. From it the new men descend and prove themselves by becoming participants in the unfinished story.

Where I belong, says Jaspers, and what I am living for I first learned in the mirror of history. When the individual becomes civilized he acquires a second nature. This second nature is made in the image of what he is and is living for and should become. He has seen the image in the mirror of history. This second nature which rules over the natural man is at home in the good society. This second nature is no proletarian but feels itself to be a rightful proprietor and ruler of the community. Full allegiance to the community can be given only by a man's second nature ruling over his first and primitive nature and treating it as not finally himself. Then the disciplines and the necessities and the constraints of a civilized life

citizens of Athens. They are the natural man. For on the natural man's appetites and

Th friends
they would per
that he should want to run away when he had the chance.
But Socrates chose to affirm the opposite to insist that he
was most fully human because he was willing and able to
govern his desires

Needless to say the lesson of this great story is not
servility and conformism and it does not carry any im
plication that the people of Athens who condemned Soc
rates were right in their judgement. As Crito says when
he has closed his eyes of all the men of his time whom
I have known he was the wisest and justest and best
The point of the story is that Socrates would not save him
self because an Athenian citizen could not cheat the law
least of all for his own personal advantage. If Athens
was to be governed, it must be by citizens who by their
second natures preferred the laws to the satisfaction of
their own impulses even to their own will to live. Unless
the citizens would govern themselves with such authority
the Athenian city would be ungovernable. If they fol
lowed their first natures Athens would be trampled down
in the stampede.

This is the image of a man who has become fit to rule
He is ruled within by his second and civilized nature. His
true self exercises the power of life and death over his
natural self. For it is the true person who has qualified as
proprietor of the laws and institutions of Athens and of
the ideal of life which they serve. The necessities and the
purposes of Athenian life are not something outside of
Socrates something alien extraneous imposed and only
reluctantly conformed with. They are the ends of his own
true character established in that part of his being which
he calls himself.

This is the unwardness of the ruling man—whatever
his title and his rank—that for the sake of his realm of
his order of his regiment, of his ship of his cause he is
the noble master of his own weaker and meaner passions
Although this is the aristocratic code it is not inherent in
prerogative and birth. It is functional to the capacity to
rule. It is because aristocrats have been rulers and not be

CHAPTER TEN

The Two Realms

1. *The Confusion of the Realms*

AGAINST man living in the civilized tradition who like Socrates rules his private impulses by the laws of the public world, there are arrayed the great adversaries. They tempt him with a total promise—that in a short and glorious struggle they will take him into the earthly heaven where he will realize all his hopes. The root of the matter is in these two conceptions of the human condition and the ultimate issue is in the conflict between them. As the bitter end has become visible in the countries of the total revolution we can see how desperate is the predicament of modern men. The terrible events show that the harder they try to make earth into heaven the more they make it a hell.

Yet, the yearning for salvation and for perfection is not surely not evil, and it is moreover perennial in the human soul. Are men then doomed by the very nature of things to be denied the highest good if it cannot be materialized in this world and if as so large a number of modern men assume it will not be materialized in another world?

The answer to this question is known. It can be had by recognizing the difference between the realm of existence where objects are materialized to our senses and the realm of essence where they are present to the mind. I am using the ambiguous but irreplaceable word essence as meaning the true and undistorted nature of things. The understanding of our relation to these two realms of being is exceedingly difficult to communicate, so difficult that, as a matter of fact it has remained an esoteric wisdom.

Yet if there is a way out of the modern predicament it begins I believe here we learn to recognize the difference between the two realms. For the radical error of the modern democratic gospel is that it promises not the good life of this world but the perfect life of heaven. The root

There is a meaning given to the word liberty by Locke "the power a man has to do or forbear doing any particular action." Here we are not free merely because we *may* do something; we must also be able to do it—we must have the faculty for doing it and the means to do it.

The word freedom has still another meaning in the classical and Christian tradition. As Montesquieu put it, freedom can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will. We are free if we have the faculty to know what we *ought* to do and the will to do it.

These are not merely verbal differences arising from ambiguity or equivocation. They are rather facts of a complex idea. For when any one of these meanings is put to a practical test, almost invariably we find that the other meanings to correct its deficiencies. It is therefore impossible to choose on any one meaning alone; we are forced to choose on many, and in fact to come to rest in a total meaning.

There is no final resting point, because the situation is as William James says, "it is a process of adjustment. Whatever equilibrium our life reaches is only a provisional one, and everything is in a state of flux." A world of other things is working there it will inevitably move with the flux. It is a position from its neighbors. It is a process of adjustment. It is a part of its original position. It is a process of adjustment.

Words like liberty equally function in various meanings which reflect the various meanings of things. The different meanings of things are like clothes, each good for a season, for a time of day, none good for all. The diversity of definitions is a necessary condition for the continuous.

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These are not merely verbal differences arising from ambiguity or equivocation. They are rather facets of a complex idea. For when any one of the meanings is put to a practical test almost invariably we have to turn to the other meanings to correct its deficiencies. It is therefore impossible to choose one meaning, rejecting all the others, or in fact to come to rest in a conclusion which is a total meaning.

There is no final resting point, because "in the flux of time, as William James says things are off their balance. Whatever equilibrium our finite experiences attain to are but provisional. Everything is in a surrounding world of other things. And if you have it to work there it will inevitably meet with friction and opposition from its neighbors. Its rivals and enemies will destroy it unless it can buy them off by compromise. Some part of its original pretensions.

Words like liberty, equality, fraternity, justice have various meanings which reflect the variability of the flux of things. The different meanings are rather like different clothes each good for a season for certain weather and for a time of day none good for all times. In the infinite change and diversity of the actual world our conceptual definitions are never exactly and finally the whole truth. For as James said while "the essence of life is its continually changing character our concepts are all dirty continuous and fixed. Like a winter overcoat, none can

deficiency But that is not the true mean Courage is not half cowardice and half rashness Temperance is not half self-indulgence and half complete abstinence The true mean is at the tension of push and pull, of attraction and resistance among the extremes The outcome as Aristotle said it would be is imprecise and inconclusive and there is little reason to think that the wisdom of the world can ever rise above these imperfections

3 *The Law and the Prophets*

NOR DOES the wisdom of the spirit solve precisely the perplexing problems of worldly conduct. For it is the vision of a realm of being in which the problems of earthly existence are not solved but transcended.

In the immediate urgent, and particular issues of daily life the major prophets the seers and the sages have remarkably little to offer by way of practical advice and specific guidance The deposit of wisdom in the Bible and in the classic books does not contain a systematic and comprehensive statement of moral principles from which it is possible to deduce with clarity and certainty specific answers to concrete questions He who goes to this wisdom looking for guidance of this sort will be disappointed. If he finds it there he must come to it by analogy and by inference The specific rules of conduct are not explicitly there Were they there the history of mankind would have been different. For terrible wars and poisonous hatreds arise among men who draw irreconcilably different practical conclusions from the same general principles

There is a hiatus between the highest wisdom and the actual perplexities with which men must deal. An encyclopedia of all that the prophets and the philosophers have taught will not tell a man clearly and definitely how to make laws how to govern a state how to educate his children—how in fact to decide the problems that the priest encounters in the confessional, the doctor with his patients, the lawyer with his clients the judge with the litigants the man of affairs in his business

Faced with practical decisions they need to know what choice they should make among the alternatives But concrete guidance of this sort can be found only incidentally in the prophets and the philosophers They

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we reference books to guide the priest in the confessional concerning the great variety of human issues.

The great multitudes of men everywhere and always have demanded detailed codes of conduct. They are necessary to their comfort, their convenience and their peace of mind, and no religion with a mass following is without its manuals of casuistry its Koran its Talmud its Calvin's Institutes. For those who can live by the spirit and there shut away from and exalted above the normal life of their times. Without the casuists who legislate the specific rules translating and transmuting the inspired words into an intelligible system of ceremonial and legal precepts, the vision of the seer could not make much contact with the existential world.

4 The Realm of the Spirit

For the vision is not of this world but of another and radically different one. The Apostles as a matter of fact, believed themselves to be living in the last days of the world, and they made no provision for a systematic and definitive record of the sacred deposit. But even if they had not believed that the end of the existing world was near it would still be true that what they taught is not addressed to this world but to a very different one.

There is for example the precept that we should love our enemies. It has troubled the doctors of the Church as it has the common man. Aquinas remarks that the good does not bear with the wicked to the extent of enduring the injuries done to God and their neighbors. St. Chrysostom says that it is praiseworthy to be patient under one's own wrongs but the height of impiety to dissemble injuries done to God.

The saying disintegrates when we attempt to treat it as a specific rule of political conduct. What, then, is its wisdom? It is not the wisdom of the public world and of how

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in the law and the prophets of the Old Testament "hath concluded all under sin. They are addressed to unregenerate men to men as they are in the world to the sons of Adam and Eve who have suffered what Aquinas called a "wounding of nature. In them reason has lost its perfect hold over the lower parts of the soul."

"The law," says Saint Paul, "was our schoolmaster. It corrected our ignorance, malice, weakness, and lust. But after the faith in Christ is come, we are no longer under a schoolmaster. When our passions are transformed by allegiance to the other realm of being, we do not need to be disciplined. The regenerate man, says Saint Paul, is not conformed to this world, but is transformed in the renewing of his mind. In the City of God, says St. Augustine, sin shall have no power to delight, and men will "not be able to sin." They are led of the spirit and have been redeemed. They can, as Confucius said, follow what their hearts desire without transgressing what is right."

5. *The Balance of Powers*

As a man awakens from his primordial condition where, as Bacon said, custom is the principal magistrate of his life, he finds himself living in two worlds and subject to two allegiances. There is the familiar world which he knows through his senses and there is a world of which he has only intimations and knows only through the eyes of his mind. He is drawn between the two disparate realms of being and the tension within them is the inexhaustible theme of human discourse. To neither can he give his whole allegiance. Their prevailing contrasts are his wretchedness. Their occasional harmonies in the lives of saints and the deeds of heroes and the excellence of genius are his glory.

In the traditions of civility the prevailing view has been that the two realms are inseparable but disparate and that man must work out his destiny in the balance which is never fixed finally between the two.

This is a view which has however always been challenged. There are the hedonists who would withdraw wholly into the realm of existence to eat, drink and be

strong enough to have unlimited dominion. It is in the shifting of the balance between them that reason escapes from the oppressions of excessive power and can realize its opportunities.

But while the separation of the powers of the churches and of the state is essential to a right relationship between them, the negative rule is not the principle of their right relationship. Church and state need to be separate, autonomous and secure. But they must also meet on all the issues of good and evil.

These issues arise concretely in the fixing of public policy about the family, marriage, divorce, the authority of the father and of the mother, the guardianship of children, education, inheritance, the distribution of wealth, crime and punishment, standards of taste, loyalty and allegiance, righteous and unrighteous war. These issues as Pope Leo XIII said in the Encyclical *Immortale Dei* (1885) belong "to the jurisdiction and judgment of both the ecclesiastical and the civil power. In all these matters the final word is in neither of the two realms of being. There is in truth no final word. Instead there are the provisional points of equilibrium of an unending tension among variable elements. Where exactly the point of equilibrium will be in a particular place and at a particular time cannot be defined *a priori*. It must be judged empirically within the postulates of the public philosophy. For the elements which have to come into equilibrium are variables. That is why governing is not engineering but an art. That is why the same constitution and codes of laws cannot like the plans for a jet engine be used by all countries at any time or by any country all the time.

6 The Mechanics of the Balance

THE IDEA of the balancing of powers among states and within them has been used so long by so many in such different circumstances and with such different intentions that it is not as a recent critic puts it, "free from philosophical, semantic and theoretical confusion."

Ernst B. Haas, "The Balance of Power Prescription, Concept or Propaganda?" *World Politics* Vol. V No. 4 (July 1953). This article is a study of the historical and applied meanings of the term in the field of international relations.

other they are neutralized and his power may then be sufficient to govern them.

Thus, we may say is the mechanical principle by which the perpetual and restless desire for power has to be brought into an order. The desire for power has to be reduced. This can rarely be done and never for long by an omnipotent ruler. Tyranny as Aristotle observed long ago, is short lived. Nor can the desire for power be reduced sufficiently by education and exhortation. As Montesquieu said, constant experience shows us that every man invested with power is apt to abuse it and to carry his authority as far as it will go. Is it not strange though true to say that virtue itself has needs of limits? To prevent this abuse it is necessary from the very nature of things that power should be checked by power.

In the measure that power is checked by power that opposing powers are in balance neither can prevail. Both are constrained within a common situation. In this condition when the ponderable forces are in balance neither can be able or willing to exert decisive force the ponderable means of reason become efficacious.

Inter arma silent leges. In the clash of arms the laws are silent. We may add that in the truce of arms the laws are heard.

Like any technical procedure the balancing of power to neutralize power can be used for good bad and in different ends. There are many who would say that the good end which politicians always profess is merely the rationalization of the perpetual and restless desire for power after power. The truth of the matter said Nicholas Spykman, is that states are interested only in a balance which is in their favor. The balance desired is the one which neutralizes other states leaving the home state free to be the deciding force and the deciding voice.

But of what matter is this the truth? That particular states and we may add, particular parties factions and individual politicians are interested in a balance which is in their favor. No doubt they are. No doubt they have Hobbes desire for power after power. This ■

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CHAPTER ELEVEN

The Defense of Civility

1 *The Thesis Restated*

WE HAVE now made a reconnaissance in the public philosophy in order to test the chances of its revival. Our warrant for making this attempt rests on certain general findings about the condition of the Western world.

The first is that free institutions and democracy were conceived and established by men who adhered to a public philosophy. Though there have been many schools in this philosophy there are fundamental principles common to all of them—that, in Cicero's words, law is the bond of civil society and that all men governors and the governed are always under and never above laws—that these laws can be developed and refined by rational discussion, and that the highest laws are those upon which all rational men of good will when fully informed will tend to agree.

The second finding from which we have proceeded in our inquiry is that the modern democracies have abandoned the main concepts, principles, precepts and the general manner of thinking which I have been calling the public philosophy. I hold that liberal democracy is not an irrefragable form of government and cannot be made to work except by men who possess the philosophy in which liberal democracy was conceived and founded. The prospects of liberal democracy in this time of mighty counterrevolutions are therefore bound up with the question whether the public philosophy is obsolete or whether it can be revived, reunited and renewed.

I believe that the public philosophy can be revived and the reconnaissance which we have made has been a demonstration that when it is applied to such central concepts as popular sovereignty, property, freedom of speech and education the public philosophy clarifies the problems and opens the way towards rational and acceptable solutions. The revival of the public philosophy depends whether its principles and precepts—which

or even strictly speaking imagined in visual or tangible terms. Yet these essences these abstractions which are out of sight and out of touch, are to have and to hold men's highest loyalties.

The problem of communication is posed because in the modern world, as it is today most men—not all men to be sure, but most active and influential men—are in practice positivists who hold that the only world which has reality is the physical world. Only science is believing. Nothing is real enough to be taken seriously nothing can be a matter of deep concern which cannot or at least might not, somewhere and sometime be seen heard, tasted, smelled or touched.

Julius Caesar was a real person because we feel sure we could have seen him in Rome had we been there in his lifetime. By the same kind of popular common sense communities have believed that werewolves were real. Had not a woman named Thiebonne Paget admitted that she was one of the wolves that was seen on July 18, 1603 in the District of Couvres? To common sense the real is what, but only what we believe has weight, mass energy.

What's Hecuba to him or he to Hecub that he should weep for her?

What are the ideas and ideals the laws and the obligations, of the rational order if like Hecuba they are not flesh and blood?

Common sense is positivist and credulous and the usual human way of satisfying it has been to materialize ideas when those ideas had to be treated as real. Men have incarnated the gods they have re-embodied their ancestors they have personified the laws they have hypostatized their ideas. They have made the abstractions and universals intelligible in concrete terms and so matters of genuine concern by connecting them with the realities of everyday experience.

The difficulty of communicating imponderable truths to common sense is not a new one. Through the ages truths that could not be materialized have been regarded as esoteric and communicable only to an initiated few.

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The Gospels state that there were mysteries which Jesus could unveil only to a few. He said "He who has ears to hear let him hear." But—

"When he was alone those who were about him with the twelve asked him concerning the parables. And he said to them 'To you has been given the secret of the kingdom of God' but for those outside everything is in parables."

Only privately to his own disciples says Mark did he explain everything to the whole crowd he spoke the word as they were able to hear it he did not speak to them without a parable.

Why? Because says Dante the divine mysteries are beyond the reach of human understanding—

It is needful to speak thus to your wit since only through objects of sense does it apprehend that which it afterwards would make worthy of the intellect. For thus the scripture condescends to your capacity and attributes feet and hands to God and means otherwise.

There is a need to condescend to our capacity because as Paul Tillich puts it, "It is man's condition to be about God."

the concern of love is the most radical concern. There is in consequence he says an inescapable inner tension in the idea of God—between God conceived as transcending all that is particular and finite on the one hand and the concreteness of an image of God on the other. In order to have a human concern there is needed a "being to being relationship" a concrete God a God with whom man can deal in his religious experience.

While Tillich is a theologian examining the meaning

* The Gospel According to St. Mark, IV 9

* Ibid IV 10-12.

Divine Comedy translated by C. E. Norton (1941) *Paradise* Canto IV verses 40-45

* Paul Tillich, *Systematic Theology* (1951) Vol I Part II

of God, which he defines as the name for that which concerns men ultimately his findings illuminate the problem which we are studying. How can men be concerned effectively with ideas and ideals that transcend their personal experience and cannot be verified empirically in the realm of existence? The principles of the good society call for a concern with an order of being—which cannot be proved existentially to the sense organs—which it matters supremely that the human person is inviolable that reason shall regulate the will that truth shall prevail over error.

Because it is difficult to care about that which is not concrete there is in Tillich's language a tension in human experience. In order to become concerned about to feel committed to transcendent objects we have to believe in them to believe in them they must be conceived in their own right or in imagination be drawn into the orbit of our sense organs. But as we condescend in this fashion to our capacity attributing foot and hand to God, the belief becomes involved with, oft a dependent upon the materialization. Because of this dependence the belief is vulnerable. For a little knowledge as for example that the foot and hand are a metaphor may destroy the belief.

3 Constitutionalism Made Concrete

Early in the history of Western society political thinkers in Rome hit upon the idea that the concepts of the public philosophy—particularly the idea of reciprocal rights and duties under law—could be given concrete flesh by treating them as contracts. In this way freedom emanated from a constitutional order has been advocated explained made real to the imagination and the conscience of Western men by establishing the presumption that civilized society is founded on a public social contract.

A contract is an agreement reached voluntarily *quid pro quo* and likely therefore to be observed—in any event, rightfully enforceable. Being voluntary it has the consent of the parties. The presumption is not only that one party has acceded to what the other party proposed but also that, in the original meaning of the word both parties have consented—that they have thought, felt and

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It is necessary somehow to give authority to these unwritten laws to invest them in some way with the reality of concreteness. The public philosophers drew by analogy upon the Roman Law which presumed that in certain cases an agreement had been reached and an obligation incurred by acts unaccompanied by any express pact (*quasi ex contractu*).

The general idea that the unwritten laws of public behavior are contractual and rest on consent was materialized in myths of an original covenant entered into by the first ancestors and binding upon their descendants. These myths which appear in many versions at various times and places make credible—by materializing it—the ethereal notion that civility is a fabric of understandings. The Ark of the Covenant, says Deuteronomy, contained the two tables of stone on which were written with the finger of God the Ten Commandments. Now as a matter of fact, the Ark and the two tables of stone did not exist when Deuteronomy was compiled. But if they had never existed, how would the authors of Deuteronomy have convinced the Israelites that they must obey the Ten Commandments if they had gotten much obedience to the Commandments and that the Israelites that it was not certain but merely probable that they had been drawn up by Moses himself, and that it could be assumed that the Commandments reflected the considered judgment of Moses of how best to promote the greatest happiness of the greatest number of Israelites. The Ten Commandments had a better chance of being obeyed by the Israelites if they were written by God, rather than by another Israelite. And it was easier to believe that God did write them if once upon a time the two tables of stone had been deposited in the Ark of the Covenant.

Many in the modern age have rejected the idea of the contractual basis of power because as a matter of fact, there never was an historic contract. Bentham for example knew that the two tables of stone could not be found and he wrote that 'the origination of governments from a contract is a pure fiction, or in other words a

Lord Moulton, "Law and Manners," in *Atlantic Monthly* (July 1924)
 Charles Howard McIlwain, *The Growth of Political Thought in*

4 The Language of Accommodation

Age of Accommodation

Men HAVE been laboring with the problem of how to make concrete and real what is abstract and immaterial ever since the Greek philosophers began to feel the need to accommodate the popular Homeric religion to the advance of science. The theologians says Aristotle are like the philosophers in that they promulgate certain doctrines but they are unlike them in that they do so in mythical form.¹¹

The method of accommodation employed by the philosophers has been to treat the mythical as allegory.

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Werner Jaeger *The Theology of Plato* (The Gifford Lectures 1936) P 1st Ed by G. K. Philosopher
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4. The Language of Accommodation

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Werner Jaeger *The Theology of Plato* (The Gifford Lectures, 1936) p. 10. Cf. Aristotle, *Metaphysics* Bk. III Ch. 4 1000a 4-18.
 Cf. Basil Wilentz *The Seventeenth Century Book* (1955) Ch. IV.
 Ibid p. 138, 139.
 Ibid p. 146.

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 Ibid p. 1 s. eq
 Ibid

that despite the innumerable learned controversies of the lawyers, the theologians and the philosophers "all were agreed that there was natural law which, on the one hand, radiated from a principle transcending earthly power and on the other hand was true and perfectly binding law the highest power on earth was subject to the rules of natural law. They stood above the Pope and above the Kaiser above the ruler and above the sovereign people above the whole community of mortals. Neither statute nor act of government neither resolution of the people nor custom could break the bounds that thus were set. What ever contradicted the eternal and immutable principles of natural law was utterly void and would bind no one."¹

But though there was agreement on this, there was deep controversy over whether the natural laws were the commands of God or whether they were the dictates of an eternal reason, grounded on the being of God and unalterable even by God himself. How were men to imagine to materialize and make concrete the natural law which is above the Pope and the Kaiser and all mortals? As decrees of an omniscient and omnipotent heavenly king? Or as the principles of the nature of things? There were some who could not conceive of binding laws which had to be obeyed unless there was a lawgiver made in the image of the human lawgivers. They had seen or heard about There were others to whose capacity it was not necessary to condescend with quite that much materialization.

The crucial point however is not where the naturalists and supernaturalists disagreed. It is that they did agree that there was a valid law which whether it was the commandment of God or the reason of things was transcendent. They did agree that it was not something decided upon by certain men and then proclaimed by them. It was not someone's fancy someone's prejudice someone's wish or rationalization, a psychological experience and no more. It is there objectively not subjectively. It can be discovered. It has to be obeyed.

¹ Otto von Guericke, *Political Theology of the Middle Ages*, translated with an Introduction by Frederick William Mautland (Cambridge University Press, 1927) Cf. pp. 73-87 and more especially Not 256.

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traditions of civility. We are back in the war of all men against all men. There is left no ground for accommodation among the varieties of men nor in this proclamation of anarchy a will to find an accommodation.

And why we may ask, is there among such modern philosophers as these no concern like that of their great predecessors to find an accommodation? It is not only because they themselves have ceased to believe in the metaphors—in the sacred images. They have ceased to believe that behind the metaphors and the sacred images there is any kind of independent reality that can be known and must be recognized.

Thus they reject "the concept of truth as something dependent upon facts largely outside human control which as Bertrand Russell says, 'has been one of the ways in which philosophy hitherto has inculcated the necessary element of humility. When this check upon pride is removed a further step is taken on the road towards a certain kind of madness—the intoxication of power which invaded philosophy with Fichte and to which modern men whether philosophers or not are prone. I am persuaded that this intoxication is the greatest danger of our time and that any philosophy which however unintentionally contributes to it is increasing the danger of vast social disaster.'"

7 *The Mandate of Heaven*

At the end, then the questions are how we conceive of ourselves and the public world beyond our private selves. Much depends upon the philosophers. For though they are not kings they are we may say the teachers of the teachers. In the history of Western governments says Francis G. Wilson "the transitions of society can be marked by the changing character of the intellectuals who have served the government as lawyers advisers administrators who have been teachers in the schools who have been members of professions like medicine and theology. It is through them that doctrines are made to

8-8 Bertrand Russell *History of Western Philosophy* (1945) p. 11
Francis G. Wilson, *Public Opinion and the Intellectuals*, in *American Sociological Science Review* (June 1954)

6 The Death of God

AS LONG then as both the philosopher and the theologian believe in the objective order there can be accommodation about the degree and kind of materialization. The range and variety of man's capacity to understand is very great. So too must be the range and variety of the images which conduce to their various capacities. We can therefore avoid much misunderstanding if we do not confound the materialization—which is the mode of communicating belief—with the subject of the belief. For not until we go down under the comparatively superficial question of belief or unbelief in any particular materialization do we find the radical problems of belief and unbelief.

When Martin Buber speaks of the great images of God fashioned by mankind he means that there can be many images of God and that there can be no image which has no content in our perceptions.

The critical question is not whether men do or do not believe in an image. It turns on whether they believe that a man is free to create a reality absolutely independent of his own existence. When Sartre follows Nietzsche in this critical point is not that he believes in the existence of God. However attenuated his belief in the existence of God, he can be indeed the deepest religious man without any conscious belief in God. There is no doubt that belief lies underneath the most rational unbelief in Sartre's saying that "God does not exist." It is Father someone, in the sense that he has no meaning, a person who has no meaning and value in his own right. He has chosen to exist.

With this Sartre has no quarrel with the Father but with the religious world. In the religious world there is a public world of what is good, what is right, what is true. If an individual chooses to invent his own world, he is choosing to live in a world of his own making.

¹⁰ Martin Buber, *Eclipse of God* (1953), p. 11.

¹¹ Jean Paul Sartre, *Existentialism is a Humanism* (1947), p. 58. See also Martin Buber, *Hasidism* (1947), p. 11.

ally discredited among contemporary men. Because of that, what we may call the terms of discourse in public controversy are highly unfavorable to anyone who adheres to the public philosophy. The signs and seals of legitimacy of rightness and of truth have been taken over by men who reject, even when they are not the avowed adversaries of, the doctrine of constitutional democracy.

If the decline of the West under the misrule of the people is to be halted it will be necessary to alter these terms of discourse. They are now set overwhelmingly against the credibility and against the rightness of the principles of the constitutional state they are set in favor of the Jacobin conception of the emancipated and sovereign people.

I have been arguing, hopefully and wishfully that it may be possible to alter the terms of discourse if a convincing demonstration can be made that the principles of the good society are not, in Sartre's phrase invented and chosen—that the conditions which must be met if there is to be a good society are there outside our wishes where they can be discovered by rational inquiry and developed and adapted and refined by rational discussion.

If eventually this were demonstrated successfully it would, I believe, disarm all those who are concerned with the anonymity of our society with its progressive barbarization and with its descent into violence and tyranny. Amidst the quagmire of moral impressionism they would stand again on hard intellectual ground where there are significant objects that are given and are not merely projected, that are compelling and are not merely wished. Their hope would be re-established that there is a public world, sovereign above the infinite number of contradictory and competing private worlds. Without this certainty their struggle must be unavailing.

As the defenders of civility they cannot do without the signs and seals of legitimacy of rightness and of truth. For it is a practical rule well known to experienced men, that the relation is very close between our capacity to act at all and our conviction that the action we are taking is right. This does not mean of course that the action is necessarily right. What is necessary to continuous action is that it shall be believed to be right.

operate in practical affairs And their doctrine which they themselves have learned in the schools and universities will have the shape and the reference and the direction which the prevailing philosophy gives it

That is how and why philosophy and theology are the ultimate and decisive studies in which we engage In them are defined the main characteristics of the images of man which will be acted upon in the arts and sciences of the epoch The role of philosophy is rarely no doubt creative But it is critical in that they have a decisive influence in determining what may be believed how it can be believed and what cannot be believed The philosophers one might say stand at the crossroads While they may not cause the traffic to move they can stop it and start it they can direct it on way or the other I do not contend though I hope that the decline of Western society will be arrested if the teachers in our schools and universities can buck the great tradition of the public philosophy But I do contend that the decline which is already far advanced cannot be arrested if the prevailing philosophy is not this restoration and revival if they impugn rather than support the validity of an order which is superior to the value that Sartre tells each man to invent

What the prevailing philosophy says about religion is not its life in the human mind in its ultimate concern of worship and prayer But the philosophers teach that religion is a purely psychological phenomenon a conditioned human psychological condition then they say that man has had intellectual contentment and experiences The philosopher cannot keep them away from religion But they can

Philosophers play the role of the principles of the good the mastery of human nature the rational second nature In the history of the principles of the good society must be understood until they have prevailed sufficiently to alter the popular impulses are opposed to the principles These principles cannot be maintained if they are discredited —if they are dismissed as meaningless metaphysics or as self-seeking rationalizations

The public philosophy is in a large measure a collection

all discredited among contemporary men. Because of that, what we may call the terms of discourse in public controversy are highly unfavorable to anyone who adheres to the public philosophy. The signs and seals of legitimacy of rightness and of truth, have been taken over by men who reject, even when they are not the avowed adversaries of, the doctrine of constitutional democracy.

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